

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA
AND
THE HON'BLE MRS. JUSTICE S.RAMATHILAGAM

Habeas Corpus Petition No.1223 of 2018

Rajeshwari ... Petitioner /
Mother of the detenue

versus

State Represented by:

1. The Additional Director General of Police,
Prison Department, Gandhi Irwin Road,
Egmore, Chennai 600 008
 2. The Superintendent of Police, Cuddalore District
 3. The Jail Superintendent of Police,
Central Prison Cuddalore, Cuddalore District
 4. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District
- ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a direction to direct respondents to grant six days ordinary leave to the Life Convict, Shanker, S/o. Gandhidoss, Conviction No.14824, aged about 46 years, now confined at Central Prison, Cuddalore District.

For Petitioner : Mr. G.Nirmal Krishnan
For Respondents : Mr. R.Prathap Kumar, APP., for R-1

O R D E R

(Order of the Court was made by S.Vimala, J.,)

This Habeas Corpus Petition has been filed by the mother of the detenue, Shankar, S/o.Gandhidoss, aged about 46 years, alleging that her husband is suffering from Ischemic Heart disease with Lumbar Canal Stenosis and admitted in ICU Section. It is alleged that the Doctors have stated that the condition of the patient (petitioner's husband) is critical, in the sense that, surgery itself is critical. In such circumstances, the petitioner, who is the mother of the detenue, seeks parole for a period of six days for her son, who is confined in Central Prison at Cuddalore (Convict No.14824).

surgery is critical, the presence of the petitioner is very much necessary and in the event of anything happening adverse to her husband, as an elder son, the detainee has to perform the last rites of her husband and therefore, he must be granted six days emergency leave.

3. It appears that, in the previous representation submitted by the petitioner, on 02.06.2018, for the same relief, she has omitted to mention that the detainee is a Life Convict and therefore, the second representation has been given on 20.06.2018 specifically mentioning that the detainee is a Life convict.

3.1. Just because, the status of the son as life convict is not mentioned, it is not proper for the authorities in not considering the representation.

3.2. In such circumstances, we feel that this non-reply to the representation dated 02.06.2018 itself amounts to refusal for the grant of leave. In such circumstances, considering the critical medical condition of the detainee's father, we grant six days leave to the detainee starting from 02.07.2018, 10.00 am to 07.07.2018, 10.00 pm.

4. Accordingly, this petition is disposed of, and the detainee, namely, Shanker, S/o. Gandhidoss, Conviction No.14824, aged about 46 years, (life convict), now confined at Central Prison, Cuddalore District, is permitted to go on ordinary leave for a period of six days, i.e. from 02.07.2018, 10.00 am to 07.07.2018, 05.00 pm. Till such time, the sentence remains suspended and the respondents are directed to release the detainee, on 02.07.2018, 10.00 am till 07.07.2018, 05.00 pm, subject to the condition that the respondents shall follow all the usual procedures and safeguarding measures in accordance with the Prison Manual.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Additional Director General of Police,
Prison Department, Gandhi Irwin Road,
Egmore, Chennai 600 008
2. The Superintendent of Police, Cuddalore District
3. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District
4. The Public Prosecutor, High Court, Madras.
5. The Superintendent of Prisons, Central Prison,
Cuddalore District.

+ 1 cc to Mr. G. Nirmalkrishnan, Advocate Sr.40595

H.C.P.No.1223 of 2018

(CO)sj
EU(29/06/2018)



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