

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

And

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.2244 of 2017

S.Santhi

... Petitioner

-vs-

1. The Home Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai.

2. The Superintendent of Police,
Central Prison, Coimbatore.

... Respondents

* * *

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to grant parole for one week to the petitioner's husband M.Saravanan, S/o.Muthu, Prisoner No.19259, aged 50 years, now confined in the Central Prison, Coimbatore, before this Court and further directing the respondents to consider him immediately for the parole and for consequential orders.

* * *

For Petitioner : Mr.J.Stalin

For Respondents : Mr.V.M.R.Rajentran

Additional Public Prosecutor

O R D E R

[Order of the Court was made by RAJIV SHAKDHER, J.]

1. Notice in this petition was issued on 27.11.2017, despite which, no counter affidavit has been filed in the matter.

2. The only direction that the petitioner seeks is to grant a week's leave to the detainee, i.e., Mr.M.Saravanan, who is, presently, confined in the Central Prison, Coimbatore.

3. Mr.V.M.R.Rajentran, learned Additional Public Prosecutor, says that the petitioner has been in the prison for less than the prescribed time, and therefore, he is not entitled to ordinary leave. The learned Additional Public, however, concedes that the detinue/ Mr.M.Saravanan, is entitled to extraordinary leave.

4. Given the circumstances stated in the affidavit accompanying the petition, which is the illness of the father of the detinue, we are inclined to direct the State to accord emergency leave to the detinue.

5. Accordingly, the detinue would be released on emergency leave for six (6) days from 12.01.2018. The detinue will surrender on 18.01.2018 at 5.00 p.m. The State will follow the usual protocol in granting emergency leave, as indicated above, to the detinue.

6. The petition is closed, in terms of the aforesaid directions.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Home Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai.
2. The Deputy Superintendent of Police,
Mylapore, Chennai.
3. The Superintendent of Police,
Central Prison, Coimbatore.
4. The Additional Public Prosecutor,
Madras High Court, Madras.

+1cc to Mr.J.Stalin, Advocate, S.R.No.242

H.C.P.No.2244 of 2017

VGI(CO)
RRK(04/01/2018)