

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.07.2018

CORAM

**THE HONOURABLE MRS. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM**

H.C.P. NO. 895 OF 2018

Rahamath Nisha

.. Petitioner

- Vs -

1. The State rep. By its
Secretary to Government of T.N.
Department of Home
Fort St. George, Chennai – 9.

2. The Addl. Director General of Prison
CMDA Towers, Egmore
Chennai 600 008.

3. The Superintendent
Central Prison, Salem.

सत्यमेव जयते.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the respondents to grant leave for 30 days to the detenu, Taj @ Thajudeen @ Mohammed Hussain, S/o Mohammed Yusuf, aged about 33 years, Convict No.7211, detained at Central Prison, Salem.

For Petitioner : Mr. Dr. S.Manoharan

For Respondents : Mr. R.Prathap Kumar, APP

ORDER

(DELIVERED BY MRS. S.VIMALA, J.)

The present petition has been filed by the petitioner praying for a direction to the respondents to grant leave of 30 days to the detenu.

2. It is the case of the petitioner that the detenu has been in jail for the past 8 years for the commission of an offence u/s 302 IPC and is undergoing life imprisonment in Central Prison, Salem. It is the submission of the learned counsel for the petitioner that the mother of the detenu is suffering from ailment and that the presence of the detenu is required for making monetary arrangements for medication. Further, it is submitted that the brother of the detenu is getting married and, therefore, the presence of the detenu during the marriage function is also necessary. Therefore, the petitioner prays that the detenu may be granted leave for a period of 30 days.

3. This Court heard the learned Addl. Public Prosecutor on the above contentions, who objected to the grant of 30 days leave to the detenu.

4. On an overall consideration of the submissions, this Court is of the considered view that leave can be granted to the detenu. Accordingly, we are inclined to pass the following order :-

i) The 1st respondent is directed to release the life convict, Taj @ Thajudeen @ Mohammed Hussain, S/o Mohammed Yusuf, Convict No.7211, aged 33 years, confined in Central Prison, Salem, on ordinary leave for a period of 15 days commencing from 11.7.2018 for the purpose of making monetary arrangements as well as to attend the wedding of his brother;

ii) It is made clear that the said detenu shall be brought back to the Central Prison, Salem, on 26.07.2018;

iii) The respondents are directed to follow the procedures prescribed in the prison manual for ensuring the safety and providing necessary security and escort facilities to the detenu during the period of leave.

5. This habeas corpus petition is allowed with the aforesaid directions.

(S.V.J.) (S.R.T.J.)

10.07.2018

Index : Yes/No

Internet : Yes/No

GLN

Note to Office :

Issue Today

MRS. S.VIMALA, J.
AND
S.RAMATHILAGAM, J.

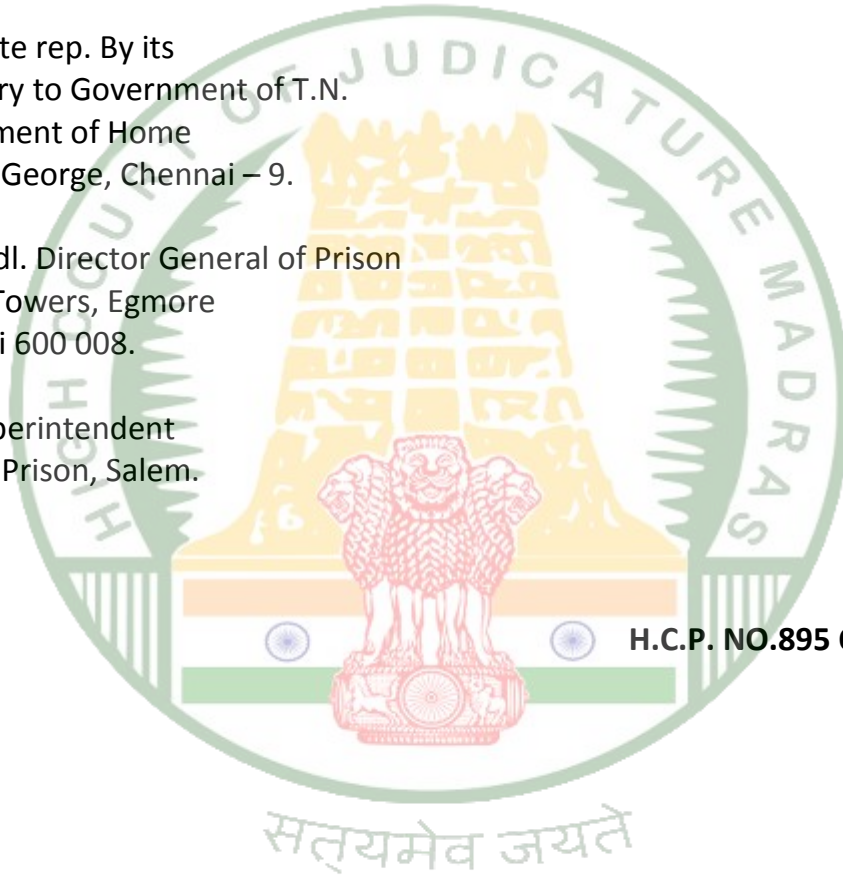
GLN

To

1. The State rep. By its
Secretary to Government of T.N.
Department of Home
Fort St. George, Chennai – 9.

2. The Addl. Director General of Prison
CMDA Towers, Egmore
Chennai 600 008.

3. The Superintendent
Central Prison, Salem.



H.C.P. NO.895 OF 2018

WEB COPY

10.07.2018