

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

AND

THE HON'BLE MRS. JUSTICE S.RAMATHILAGAM

Habeas Corpus Petition No.938 of 2018

A.Amutha @ Arokiamary

... Petitioner /
Wife of the detenu

versus

1. The Additional Director General of Police,
Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai 600 008
2. The Superintendent of Prisons,
Central Prison, Cuddalore. ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a direction to direct the respondents to produce the petitioner's husband namely Anthonymsamy, S/o. Jeyaraj, aged 62 years, now confined in Central Prison, Cuddalore, before this Court and to grant one month leave for his medical treatment.

For Petitioner : Mr. P.Pugalenthir

For Respondents : Mr. R.Prathap Kumar, APP.,

O R D E R

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

This Habeas Corpus Petition has been filed by the wife of the detenu-Anthonysamy, S/o. Jeyaraj, aged 62 years, who is convicted in S.C.No.185 of 1995, in respect of the offence punishable under Sections 302 read with 34, 342, 330, 324, 350, 201, 220 and 218 of the IPC and who is sentenced to undergo Life Imprisonment, seeking leave for one month in accordance with Rules 632 and 633 of the Tamil Nadu Prison Manual.

2. Heard the learned counsel appearing for both sides.

3. It is submitted by the learned counsel appearing for the petitioner / wife of the detenu that the detenu is suffering from kidney failure and therefore, he requires assistance of family members for the further treatment and therefore, he must be granted parole for a period of thirty days.

4. The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the detenu's case has been favourably considered for pre-mature release in terms of G.O.Ms.No.64 and therefore there is no necessity for release of the detenu at this stage.

5. In the light of the submissions on both sides, this Court is of the opinion that releasing the detenu from prison would not be detrimental to public interest and therefore, we deem it appropriate to grant leave for the medical treatment of the detenu.

6. Accordingly, this petition is disposed of, and the detenu, namely, Anthonysamy, S/o. Jeyaraj, aged 62 years, now confined at Central Prison, Cuddalore, is permitted to go on ordinary leave for a period of thirty days, i.e., from 05.07.2018, 10.00 am to 02.08.2018, 05.00 pm. Till such time, the sentence remains suspended and the respondents are directed to release the detenu, on 05.07.2018, 10.00 am till 02.08.2018, 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 VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Additional Director General of Police,
Inspector General of Prisons,
Gandhi Irwin Road, Egmore, Chennai 600 008
 2. The Superintendent of Prisons, Central Prison, Cuddalore.
 3. The Public Prosecutor, High Court, Madras.
- +1cc to Mr.P.Pugalenth, Advocate, S.R.No.42814

H.C.P.No.938 of 2018

VGII(CO)
GSP(04/07/2018)