

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 16.07.2018

CORAM

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

H.C.P. NO. 940 OF 2018

Rabiyathul Basiriya

.. Petitioner

- Vs -

1. The State rep. By its
The Secretary to Government of Tamilnadu,
Department of Home
Fort St. George, Chennai - 600 009.
2. The Additional Director General of Prison
CMDA Towers, Egmore
Chennai 600 008.
3. The Superintendent
Central Prison, Kovai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus to direct the respondents to grant leave for 60 days to the detenu, Yasudeen, S/o. Bathrudeen, Convict No.3287, aged about 40 years, detained at Central Prison, Kovai.

For Petitioner : Mr. Dr. S.Manoharan

For Respondents: Mr. R.Prathap Kumar, APP

सत्यमेव जयते
ORDER

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

The present petition has been filed by the wife of the detenu, anemly, Yasudeen, S/o, Bathrudeen, seeking grant of leave to the detenu, for a period of 60 days.

2. It is the case of the petitioner that the detenu has been convicted for the offence punishable under Section 148 IPC and he is undergoing life imprisonment for nearly 20 years in Central Prison, Kovai. It is the further case of the petitioner that the detenu's mother is a diabetic patient and she is also undergoing treatment for heart problem and as of now, her health condition is very bad, she has to be admitted in a Hospital. Further, as the petitioner and the detenu had not

been blessed with a child, the doctor advised them to take treatment for the same. Hence, the presence of the detenu is very necessary for their matrimonial life. So stating, she made a representation to the respondents seeking grant of leave for 60 days.

3. This Court heard the learned Additional Public Prosecutor on the above contentions, who objected to the grant of 60 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, Yasudeen, S/o. Bathrudeen, Convict No.3287, aged 40 years, confined in Central Prison, Kovai, on ordinary leave for a period of three weeks commencing from 20.07.2018 for the purpose of taking treatment;
- ii) It is made clear that the said detenu shall be brought back to the Central Prison, Kovai, on 09.08.2018;
- 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.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

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

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

3. The Superintendent
Central Prison, Kovai.

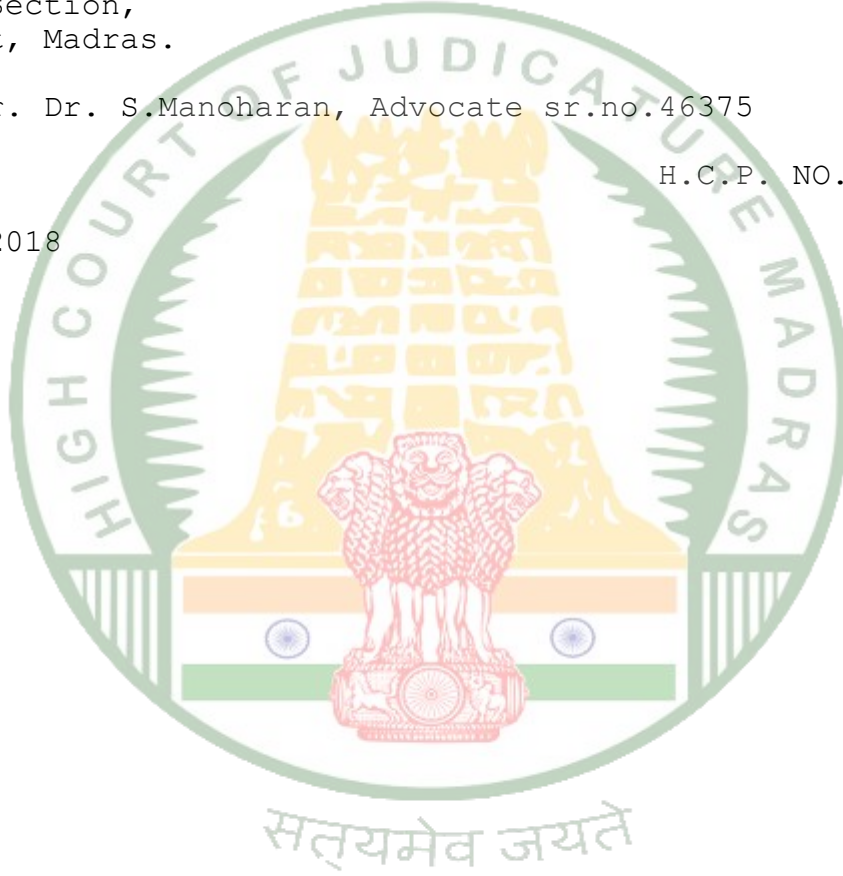
4. The Public Prosecutor,
High Court, Madras.

5. The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr. Dr. S.Manoharan, Advocate sr.no.46375

H.C.P. NO.940 of 2018

nr 19/07/2018



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