

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2018

CORAM

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

H.C.P.No.941 of 2018

Rabiya,
W/o.Mohammed Ibrahim.

.. Petitioner

Versus

- 1.The State Represented by
The Secretary to Government of Tamilnadu,
Department of Home,
Fort, St.George,
Chennai - 600 009.
 - 2.The Additional Director General of Prison,
C.M.D.A Towers,
Egmore,
Chennai - 600 008.
 - 3.The Superintendent,
Central Prison,
Kovai.
- .. Respondents

Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, to grant leave for 30 days to the detenu, Mohammed Ibrahim S/o.Hussain, Convict No.10900 detained at Central Prison, Kovai.

For Petitioner : Dr.S.Manoharan

For Respondents: Mr.R.Prathap Kumar

Additional Public Prosecutor

ORDER

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

The petitioner, wife of the detenu Mohammed Ibrahim, S/o.Hussain, a life convict, has come forward with the above petition seeking direction to the respondents to release her husband on ordinary leave for a period of 30 days for the purpose of admitting their son in a good school.

2.The case of the petitioner is that her husband was convicted and sentenced to imprisonment for life u/s 302 of IPC, Rigorous Imprisonment for 1 year u/s 148 IPC by the II Additional Sessions Court, Coimbatore on 06.02.2001 in S.C.NO.201 of 1999 and the same was confirmed by this Court in C.A.No.963 of 2001 dated 15.10.2004. However, SLP preferred before the Hon'ble Supreme Court of India was also dismissed. The detenu is in jail for the past 20 years. In order to secure admission for her son Mohammed Yahya Ayas, aged 6 years in a good school, the presence of the detenu is required. Therefore, the present petition has been filed with the above prayer.

3.Heard the learned counsel for the petitioner and the learned Additional Public prosecutor and perused the records.

4.Since the Jail Manual provides that a life convict could be released for making arrangement for admission of the children and since the request of the petitioner, wife of the detenu, is also the same, this Court is of the view that considering the petitioner's request would meet the ends of the justice.

5.Accordingly, we are inclined to pass the following order:-

- (a) The 1st respondent is directed to release the life convict Mohammed Ibrahim, S/o. Hussain, Convict No.10900, who is now confined in the Central Prison, Kovai, on ordinary leave for a period of three weeks commencing from **06.08.2018*** for the purpose of the admission of his son in a school.
- (b) It is made clear that the said detenu shall be brought back to the Central Prison, Kovai, on **28.08.2018***
- (c) The 1st respondent is at liberty to impose any further condition in order to ensure the safety and security of the detenu.

6.This Habeas Corpus Petition is allowed on the above terms.

Sd/-
Assistant Registrar(CS VII)
dt. 24/07/2018

Corrected as per order
dated 2.8.2018

Sd/-
Assistant Registrar(CCC)
dt. 02.08.2018

//True Copy//

Sub Assistant Registrar

To:

1. The Secretary to Government of Tamilnadu,
Department of Home,
Fort, St.George,
Chennai - 600 009.
- 2.The Additional Director General of Prison,
C.M.D.A Towers,
Egmore, Chennai - 600 008.
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.The Additional Public Prosecutor,
High Court, Madras.

To be substituted
to the order
already despatched
on 25.07.2018

+1cc to Mr.S.Manoharan, Advocate, S.R.No.44315 & **52804/18**

H.C.P.No.941 of 2018

NM(CO)
GSP(24/07/2018)
EU 3.08.2018