

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2018

CORAM:

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

H.C.P.No.2180 of 2018

D.Ashok Kumar

.... Petitioner

vs.

The State represented by its
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,
Coimbatore Central Prison,
Coimbatore

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to issue a WRIT OF HABEAS CORPUS, directing the respondents to grant leave for 15 days, from 1.10.2008 to the detenu, Devaraj, aged about 60 years, Convict No.8445 confined at Coimbatore Central Prison, Coimbatore.

For Petitioner : Dr.S.Manoharan

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.KIRUBAKARAN)

Heard the Learned Counsel for the Petitioner and the Learned Additional Public Prosecutor for the Respondents.

2.The Petitioner/son of the Detenu, viz., Devaraj, has filed the instant Habeas Corpus Petition, seeking to direct the respondents, to grant 15 days' leave to the detenu/life convict-

Devaraj, now confined at Central Prison, Coimbatore, to join the 16th day ceremony of his brother, viz., Chinnakuzhandhai, which is scheduled to take place on 02.10.2018, at his residence.

3.The Learned Counsel for the Petitioner submits that the Detenu/life convict is languishing in jail for nearly thirteen years. The detenu's brother, viz., Chinnakuzhandhai, expired on 17.09.2018. On the day of the funeral, the detenu was granted one day leave by the prison authority to attend the funeral and he has returned back to the jail on the same day.

4.The Learned counsel for the Petitioner brings it to the notice of this Court that the sixteenth day ceremony (Kariyam) of the detenu's brother was fixed on 02.10.2018. Hence, the detenu seeks leave for a period of fifteen days on humane considerations to attend the 16th day ceremony of his brother Chinnakuzhandhai. In fact, the Petitioner (son of the Detenu) had addressed a representation to the Respondents on 24.09.2018, but of no avail. Hence, the Petitioner had preferred the present Habeas Corpus Petition.

5.The learned Additional Public Prosecutor for the Respondents contends that the detenu/life convict viz., Devaraj, cannot be granted the leave sought for by his son in the present Habeas Corpus Petition.

6.On a careful consideration of respective contentions and also taking note of the facts and circumstances of the present case, this Court is not inclined to grant 15 days' leave to the detenu. However, taking into consideration the reason assigned for seeking leave, this Court is inclined to grant four days leave to the detenu/life convict, viz., Devaraj, to attend his brother Chinnakuzhandhai's 16th day death ceremony (Kariyam), which is scheduled on 02.10.2018, at his brother's residence, subject to the following conditions:-

(i)The Detenu/life convict, viz., Chinnakuzhandhai, son of Arumugam, aged 60 years, now confined at Central Prison, Coimbatore, is granted four days leave from today i.e. 01.10.2018 at 6.00 p.m. to 05.10.2018, at 6.00 p.m. to attend his brother Chinnakuzhandhai's 16th day death ceremony (Kariyam).

(ii)The third Respondent/Superintendent, Coimbatore Central Prison, Coimbatore, is directed to pass appropriate orders in releasing/permitting the detenu/life convict, viz., Devaraj, granting him four days leave for the aforesaid purpose.

(iii)The Jail Authorities are directed to release the detenu/life convict, viz., Devaraj, son of Arumugam, on production of a copy of this order;

(iv)It is patently made clear that the life convict Devaraj should be granted leave for a period of four days from 01.10.2018 at 6.00 p.m. to 05.10.2018, at 6.00 p.m. and he should be brought back to the third Respondent Prison by 7.00

p.m. On 05.10.2018, without fail.

(v)The Jail Authorities, during the four days period of leave, as mentioned above, shall provide adequate and proper escort to the life convict, viz., Devaraj, in order to ensure his safety and security, at the cost of the Government. They shall also impose suitable conditions to that effect.

(vi)The life convict should abide by the conditions to be imposed by the Jail Authorities.

With the above said Observations/Directions, the present Habeas Corpus Petition stands disposed of.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msk

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,
Coimbatore Central Prison,
CoimbatoreE.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Dr.S.Manoharan. Advocate, S.R.No.67719.

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SSD(CO)

rrs 01/10/2018