

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM:

THE HONOURABLE Mr.JUSTICE C.T.SELVAM
and
THE HONOURABLE Mrs.JUSTICE S.RAMATHILAGAM

HCP.No.2235 of 2018

R.Thiruthani

...Petitioner

-Vs-

- 1.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,
C.M.D.A Towers,
Egmore, Chennai - 600 008.
 - 3.The Superintendent,
Coimbatore Central Prison,
Coimbatore.
- ...Respondents

PRAYER: Habeas Corpus petition filed under Article 226 of the Constitution of India praying to direct the respondent to grant leave for 15 days to my brother, the detainee, N.Nirmal Kumar S/o. Nandhagopal, aged about 28 years, Convict No.19063 confined at Central Prison, Coimbatore.

For Petitioner : Dr.S.Manoharan for R.Narayanan

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

The petitioner, sister of the detainee has made a representation dated 25.09.2018 informing the poor health of the mother who is in need of immediate treatment and there towards the need for sale of property. She has also informed that she, being a married person having a family of her own, is not able to take care of her mother. The representation has been rejected under order dated

01.10.2018 by the 3rd respondent informing that as the prisoner has been convicted for the offence under Section 392, he is not eligible for ordinary leave. The said position is affirmed by the counter filed by the respondents dated 17.11.2018.

2. We have heard Mr.S.Manoharan learned counsel for petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for respondents as also perused the counter filed by third respondent.

3. In the facts and circumstance, we consider it appropriate to grant LEAVE for a period of 15 days.

4. Accordingly, we grant emergency LEAVE for a period of fifteen (15) days commencing from 22.11.2018 (Thirsdays) at 10.00.a.m. till 5.00 p.m. on 06.12.2018 to the petitioner/detenu/convict prisoner viz., N. Nirmal Kumar, who is now confined in the Central Prison, Coimbatore.

5. The Superintendent of Central Prison, Coimbatore, is hereby directed to release the detenu, viz., N.Nirmal Kumar, S/o. Nandhagopal, aged about 28 years, on production of this order. It is made clear that the detenu shall report and surrender before the Superintendent, Central Prison, Coimbatore by 5.00.p.m on 06.12.2018 without fail. During the period of LEAVE, the Superintendent of Coimbatore Central Prison, Coimbatore shall decide upon the need for and nature of escort to be provided and the expenses shall be borne by the State. They shall also impose suitable conditions. The detenu should also abide by the conditions to be imposed by the authorities concerned.

6. Registry is directed to forward a copy of this order to Superintendent, Central Prison, Puzhal-I, Chennai, by Fax.

7. With the above direction, this Habeas Corpus Petition shall stand closed. Post the Habeas Corpus Petition on 07.12.2018 for Reporting Compliance.

//True Copy//

Sd/-
Assistant Registrar(CS v)

Sub Assistant Registrar

kkn

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.

4.The Joint Secretary
Public (Law and order) Department,
Secretariat, Chennai - 600 009.

5.The Public Prosecutor
High Court, Madras.

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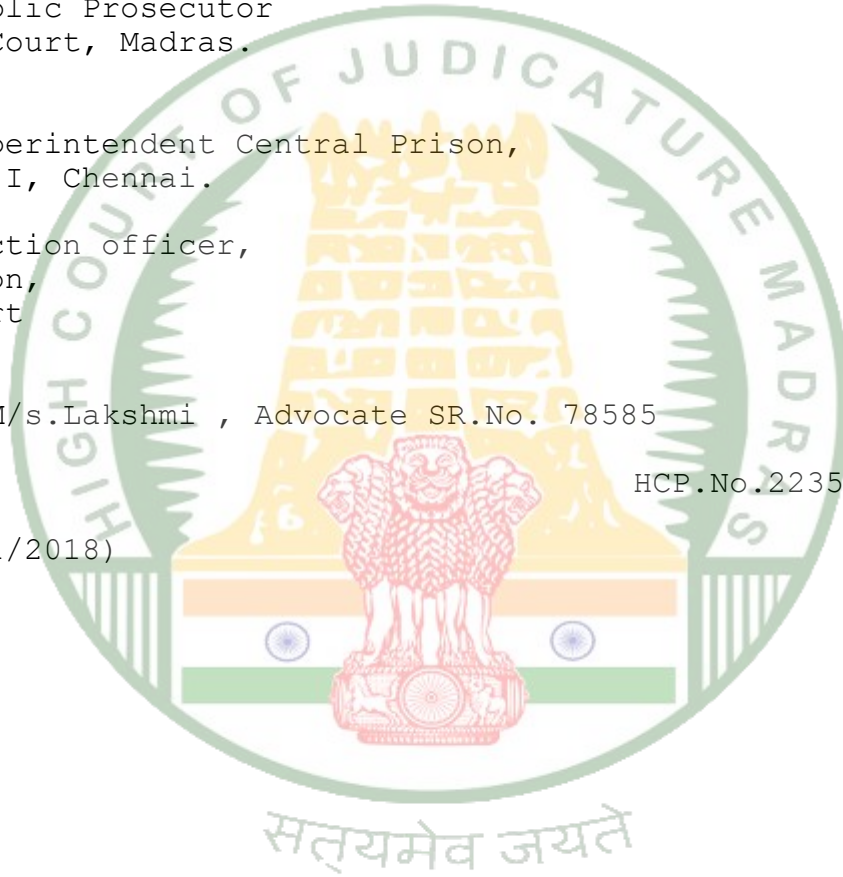
1.The Superintendent Central Prison,
Puzhal I, Chennai.

2.The section officer,
VR Section,
High court
Madras

+1cc to M/s.Lakshmi , Advocate SR.No. 78585

HCP.No.2235 of 2018

ASK(20/11/2018)



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