



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.04.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM

and

THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P.(MD)No.590 of 2018

Muthuvelammal

... Petitioner

Vs.

1.State of Tamilnadu,
Rep. by the Secretary to Government,
Home (Prison IV) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Additional Director General of Prisons,
Egmore,
Chennai - 600 008.

3.The Superintendent of Prison,
Central Prison,
Madurai.

4.The Inspector of Police,
Kovilangulam Police Station,
Ramanathapuram.
(Crime No.9 of 2011)

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents to produce petitioner husband's body and person namely Karunamoorthy S/o. Durairaj Thevar, C.P. No.5655 aged 39 years from Madurai Central Prison before this Honourable Court and let him on parole for the period of 15 days.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by C.T. SELVAM,J.)

This petition has been filed by the wife, seeking temporary release of her husband/detenu by name, Karunamoorthy S/o. Durairaj Thevar, C.P.No.5655, who has been detained in Central Prison, Madurai, pursuant to the conviction and sentence imposed by learned Additional District and Sessions Judge (Fast Track Court), Paramakudi in S.C.No.113 of 2013 under Section 149 and 302 I.P.C. and modified by this Court in CrI.A.No.341 of 2017 under Section 304 (1) I.P.C., towards signing necessary documents for return of the jewels.



2. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for the respondents and we have also perused the records carefully.

3. Learned Additional Public Prosecutor raises an objection, placing reliance on the counter affidavit filed by the third respondent, informing the petitioner is not entitled to any leave/indulgence.

4. Considering the rival submissions, this Court considers it appropriate to grant leave to the petitioner's husband. Accordingly, the detenu, namely, Karunamoorthy S/o. Durairaj Thevar is permitted to go on leave *for a period of two days starting from 01.05.2018 to 03.05.2018*. The third respondent / Superintendent of Prison, Central Prison, Madurai, shall release the detenu at 5.00 p.m. on 01.05.2018 upto 03.05.2018 with usual escort and after expiry of the period, the detenu shall surrender himself before the Superintendent of Prison, Central Prison, Madurai, before 6.00 p.m. on 03.05.2018.

5. This petition is ordered accordingly.

Post for reporting compliance during second Vacation Court.

Sd/

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

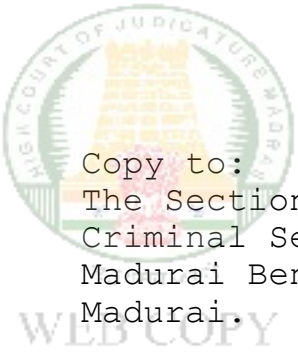
1. The Secretary to Government,
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4. The Inspector of Police,
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Ramanathapuram.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to:
The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1cc to Mr.R.Venkatesan, Advocate, SR.No. 64259

H.C.P. (MD) No.590 of 2018
27.04.2018

SJ
KK/SV MMS/28.04.2018/SAR-4/3P-9C