



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.(MD)No.1185 of 2018

Syed Ali Fathima

: Petitioner

Vs

1. The Home Secretary,
Home Prison Department
Secretariat, Fort St. George,
Chennai-09.
2. The Additional Director General of Prison,
O/o. The Additional Director General of Prison,
No.1, Gandhi Erwin Road,
Egmore, Chennai-08.
3. The Deputy Director General of Prison,
Madurai Central Prison, Madurai.
4. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.

: Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to grant parole leave for a period of one month to the petitioner's husband namely Sheik Sindhamadhar confined at Central Prison, Palayamkottai, Tirunelveli.

For Petitioner

: Mr.S.M.A.Jinnah

For Respondents

: Mr.K.Dinesh Babu

Addl.Public Prosecutor for RR-1 to 4

No appearance for R-5

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is a life convict, seeks parole.

2.The learned Additional Public Prosecutor has produced certain documents indicating the objections from the side of the respondents.



3. On a perusal, we are of the view that inasmuch as Bakrid is over, the objection of the Sub-Inspector of Police, Cheranmahadevi Circle cannot be pressed into service. Further, this objection is only for considering the emergency leave.

4. Insofar as the regular leave is concerned, Rule 22 of the Tamil Nadu Suspension of Sentence Rules, 1982 provides for the same.

5. Taking into consideration of the fact that the petitioner did avail the such concession on earlier occasion properly, we deem it fit to grant 15 days time as normal leave starting from 03.09.2018 onwards. We make it clear that while doing so, the petitioner will be accompanied by escorts. The petitioner shall return to the concerned prison at 05.30 p.m on 17.09.2018. If the petitioner through his relative produces the Poverty Certificate, then, the cost of escorts shall not be insisted. Accordingly, this Habeas Corpus petition is ordered. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Home Secretary,
Home Prison Department
Secretariat, Fort St. George,
Chennai-09.
2. The Additional Director General of Prison,
O/o. The Additional Director General of Prison,
No.1, Gandhi Erwin Road, Egmore, Chennai-08.
3. The Deputy Director General of Prison,
Madurai Central Prison, Madurai.
4. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.S.M.A.Jinnah, Advocate, SR.No.80550

H.C.P. (MD) No.1185 of 2018
28.08.2018