



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND

THE HONOURABLE MRS.JUSTICE R.THARANI
H.C.P.[MD].No.1409 of 2018

K.Maruthambal : Petitioner

Vs.

1.The Principal Secretary,
Home Department, [Prisions],
State of Tamil Nadu, Secretariat,
Fort.St.George, Chennai 600 009.

2.The Additional Director General of Police
[Prisons] cum the Inspector General of Prisons,
Office of ADGP [Prisons]/I.G of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore, Chennai.

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

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the body or person of the detenu, by name, Kumar @ Palanikumar, a life convict [C.P.No.5216], consequently directing the respondent No.1 to grant ordinarily leave for 30 days to the petitioner's husband - Kumar @ Palanikumar, a life convict [C.P.No.5216] by giving exemption from Rule 21(b) of the Tamil Nadu Suspension of Sentence Rule 1982 under Rule 40 of the said Rules within the time stipulated by this Court.

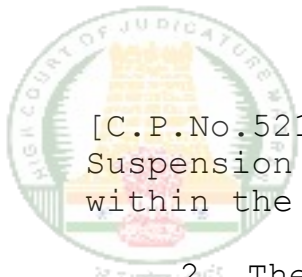
For Petitioner : Mr.S.Malaikani

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

[Order of the Court was made by R.SUBBIAH, J.]

The present Habeas Corpus Petition has been filed by the wife of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the body or person of the detenu, by name, Kumar @ Palanikumar, a life convict [C.P.No.5216], consequently directing the respondent No.1 to grant ordinarily leave for 30 days to the petitioner's husband - Kumar @ Palanikumar, a life convict



[C.P.No.5216] by giving exemption from Rule 21(b) of the Tamil Nadu Suspension of Sentence Rule 1982 under Rule 40 of the said Rules within the time stipulated by this Court.

2. The case of the petitioner is that her husband, the detenu herein, was convicted for the offence under Sections 458 and 396 of the Indian Penal Code and sentenced to undergo imprisonment for life. Now, the detenu is in Central Prison, Madurai. Earlier, the detenu was granted emergency leave by the authorities on 12.03.2016 and thereafter, seeking extension of parole, the detenu filed W.P. (MD).No.5219 of 2016. By order dated 16.03.2016, a direction was issued by a Division Bench of this Court directing the first respondent to consider his application sympathetically. However, the said request of the detenu was rejected by citing Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1982. In this regard, the petitioner submitted a representation dated 30.11.2017 to the first respondent. In the meantime, the father-in-law of the petitioner and the elder brother of the husband of the petitioner also died. Since the detenu is the only male heir in the family, he has to make arrangements to settle the joint family property. Under such circumstances, the petitioner has come up with this Habeas Corpus Petition for the relief stated supra.

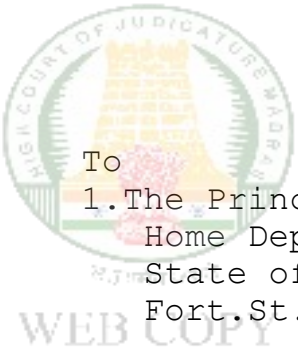
3. We have heard Mr.S.Malaikani, learned counsel appearing for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents and perused the records carefully.

4. Considering the above said fact, this Court directs the third respondent herein to release the said Kumar @ Palanikumar, a life convict [C.P.No.5216], now confined at Madurai Central Prison, on parole, this day 06.12.2018 at 05.00 P.M., on condition that the said Kumar @ Palanikumar, a life convict [C.P.No.5216], shall report back to the third respondent, the Superintendent of Prisons, Central Prison, Madurai, by 05.00 P.M, on 11.12.2018. Necessary escort shall be provided to accompany the said detenu - Kumar @ Palanikumar, a life convict [C.P.No.5216] at the cost of either the detenu or the petitioner. The petitioner shall produce all necessary documents, along with a copy of this order, before the Jail Authorities. During parole, the detenu shall abide by all the conditions prescribed in the Jail Manual. The Superintendent of Prisons, Madurai Central Prison, Madurai, is directed to file a compliance report before this Court on 11.12.2018.

5. The present Habeas Corpus Petition stands disposed of on the above terms.

Sd/
Assistant Registrar(CO)

/True copy/



To

1.The Principal Secretary,
Home Department, [Prisions],
State of Tamil Nadu, Secretariat,
Fort.St.George, Chennai 600 009.

2.The Additional Director General of Police
[Prisons] cum the Inspector General of Prisons,
Office of ADGP [Prisons]/I.G of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore, Chennai.

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

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

ORDER MADE IN
H.C.P.[MD].No.1409 of 2018
06.12.2018

nb

KK/RSK/SAR-2/06.12.2018/3P-5C