

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01..07..2019

CORAM

THE HONOURABLE MR JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

HABEAS CORPUS PETITION NO.228 OF 2019

Noorjahan

... Petitioner/
Wife of the Detenue

-Versus-

The State Rep. by its

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai 600 009.

2.The Additional Director General of Prison,
Egmore, Chennai 600008.

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

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to grant leave for one month to the convict - L.M.Hakkim (Convict No.10680), Son of Majidh, aged about 42 years, now, confined at Central Prison, Coimbatore.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.C.Iyyapparaj, APP for
RR1 to 3

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner is the mother of the convict. This petition has been filed seeking leave for 30 days to the convict to make arrangements for his marriage.

2. The learned counsel for the petitioner also states that even the petitioner is suffering from illness.

3. The learned Additional Public Prosecutor, on verification, has stated that the petitioner appears to be ill. However, as per Rule 22 (1) of The Tamil Nadu Suspension of Sentence Rules, 1982, the maximum period to which a convict in a case under the Explosives Substances Act apart from Section 302 of IPC is entitled to is 15 days.

4. In view of the above, we are inclined to direct the respondents to grant leave for 15 days to the convict - L.M.Hakim commencing from 16.07.2019 subject to the usual conditions that can be imposed by the respondents. The convict shall be released from the prison at 10.00 a.m. on 16.07.2019 and that the convict shall return back to the prison at 05.00 p.m. on 30.07.2019. The convict shall be accompanied by sufficient escorts.

5. In the result, This Habeas Corpus Petition is disposed of accordingly with the above directions.

The Registry is directed to list this matter for reporting compliance on 02.08.2019.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Secretary to Government of Tamil Nadu,
Department of Home, Fort St. George,
Chennai 600 009.

2.The Additional Director General of Prison,
Egmore, Chennai 600008.

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

+1cc to Mr.S.Manoharan, Advocate, S.R.No.54715

H.C.P.No. 228 of 2019

SJ(CO)

RRS (09/07/2019)