

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

H.C.P.No.234 of 2019

Zubaithabegam, F/40,
W/o Sarfudeen,
No:5, Thillaiammal Pillai Street,
Semmiliyan,
Perambur, Chennai 600 013. .. Petitioner
-Vs-

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

2.The Director General of Prison,
C.M.D.A. Towers,
Egmore, Chennai 600 008.

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

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents to grant leave for 10 days to the detinue, Sarfudeen, S/o.P.K.Abdul Salam, aged about 42 years, convict No.6583, detained at Central Prison, Coimbatore.

For Petitioner : Dr.S.Manoharan

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

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J.)

The petitioner is the wife of the convict named Mr.Sarfudeen, S/o.P.K.Abdul Salam, aged about 42 years, convict

No.6583, who has been detained in Coimbatore Jail. The petitioner has approached this Court, seeking leave for ten (10) days to the convict, as the petitioner's father and convict's father in law named Mr.Khaja Mohideen, passed away on 28.01.2019 at Chennai.

2.Heard, Dr.S.Manoharan, learned counsel appearing for the petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor.

3.The learned Additional Public Prosecutor submits that it is a fact that the convict's father in law passed away. Therefore, it is appropriate to direct the respondents, especially the 3rd respondent to grant five (5) days leave to the convict named Mr.Sarfudeen, S/o.P.K.Abdul Salam, aged about 42 years, convict No.6583.

4.The 3rd respondent is directed to pass appropriate orders and release the convict for a period of five days (i.e.,) from 29.01.2019 till 05.00 PM on 03.02.2019. It is made clear that the convict should be brought back to Central Prison, Coimbatore, at 05.00 PM, on 03.02.2019, without fail.

5.The Jail Authorities during the period of LEAVE, shall provide proper escort to the convict, in order to ensure the safety and security of him. They shall also impose suitable conditions to that effect and the convict should also abide by the conditions to be imposed by the authorities concerned.

Accordingly, this Petition is ordered.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Director General of Prison,
C.M.D.A. Towers,
Egmore, Chennai 600 008.

3.The Superintendent,
Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court,Madras.

+1 cc to Dr.S.Manoharan, Advocate Sr.No.6786

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SJ(CO)
CSL/29.01.2019