

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.521 of 2019

Vijaya Kumar

..

Petitioner

Versus

1.The Home Secretary,
The Department of Prisons,
Fort St.George,
Rajaji Road, Chennai.

2.The Additional Deputy General of Prisons,
Department of Prisons,
Whannels Road,
Egmore, Chennai-600 008.

3.The Superintendent of Prisons,
The Central Prison, Puzhal,
Chennai.

4.The Inspector of Police,
Special Police Establishment,
Central Bureau of Investigation,
Anti Corruption Branch,
3rd Floor, Shasthri Bahavan,
Haddows Road, Chennai.

(4th Respondent impleaded as per order dated.25.03.2019
and made in CRL MP. 4248/19 in HCP.521/19)

.. Respondents

Prayer:- Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Habeas Corpus to call and direct the respondents to
consider his representation dated 04.03.2019 and direct
the 3rd respondent herein to produce his father
Rathinavel, aged about 61 years, S/o Ariyappa who is in
the Imprisonment and in the custody of 3rd respondent
herein and grant 1 days ordinary leave.

For Petitioner : Mr.S.Silambu Selvan

For Respondents: Mr.C.Iyyappa Raj

Additional Public Prosecutor

ORDER

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

The petitioner is the son of the detenu, who was arrayed as A4 in C.C.No.66 of 2014 on the file of the Court of 11th Additional Judge for CBI cases, Chennai and vide judgment dated 19.05.2009, he was convicted for the commission of offences under Sections 120-B r/w 420 IPC and under Section 5(2) r/w 5(1)(d) of PC Act, 1947 and Section 13(2) r/w 13(1)(d) of PC Act, 1988 and also under Section 419 IPC. The Trial Court has imposed with a sentence of Rigorous Imprisonment for 2 years and 3 years respectively and to pay a fine of Rs.5,000 in default to undergo Rigorous Imprisonment for 6 months in respect of the commission of each of the offences and challenging the same, he filed an appeal in Crl.A.No.258 of 2018 and rest of the accused also filed appeals in Crl.A.Nos.265, 281, 287 and 301 of 2009. A Single Bench of this Court vide impugned common judgment dated 23.01.2018 confirmed the conviction and however, reduced the sentence to two years rigorous imprisonment in respect of the detenu and at present, he is lodged at Central Prison, Puzhal, Chennai and undergoing the said sentence.

2. The learned counsel appearing for the petitioner would submit that the property in Survey No.325/1B4A admeasuring 17 cents at Adhupakkam Village, Gummudipoondi Taluk, Thiruvallur District stands in the name of his father and he want to dispose of the same to meet out the day to day expense of the petitioner's family and for that purpose, he want to dispose of the land and prays for 1 day parole to complete the registration process.

3. The 3rd respondent has filed the counter affidavit and Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the State would submit that in the light of Rule 20 read with Section 22 of the Suspension of Sentence Rules, he is not entitled for ordinary leave and taking into consideration the plea made by the learned counsel for the petitioner, this Court may pass appropriate orders.

4. The learned Standing Counsel appearing for the 4th respondent on instructions would submit that he has no serious objections in considering the plea made by the petitioner.

5. This Court has carefully considered the rival submission and also perused the materials placed before it.

6. In the light of the above facts and circumstances, the detenu is granted parole for a period

of one day on 12.04.2019 between 11.00 A.M and 04.30 P.M so as to enable him to complete the registration formalities in respect of the said property and on compliance of the same, he shall surrender/return back to the Central Prison, Puzhal, Chennai on the same day before 5.00 p.m.

Accordingly, the Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Home Secretary,
The Department of Prisons,
Fort St.George,
Rajaji Road, Chennai.
 - 2.The Additional Deputy General of Prisons,
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Egmore, Chennai-600 008.
 - 3.The Superintendent of Prisons,
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Chennai.
 - 4.The Inspector of Police,
Special Police Establishment,
Central Bureau of Investigation,
Anti Corruption Branch,
3rd Floor,Shasthri Bahavan,
Haddows Road, Chennai.
 - 5.The Public Prosecutor
High Court, Madras.
- +1cc to Mr.S.Silambu Selvan , Advocate SR.No. 35459
HCP.No.521 of 2019
A.SK(11/04/2019)