

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 29.05.2019

CORAM :

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR
and
THE HON'BLE MS.JUSTICE P.T.ASHA

H.C.P.No.968 of 2019

Anees Unnissha

Petitioner

Vs

1. The Additional Director General of Prison
Prison Department
Gandhi Irwin Road
Egmore, Chennai - 8
2. The Superintendent of Prison
Central Prison
Vellore

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the 2nd respondent to grant Leave for 15 days to the detainee Sadiq Basha, S/o Saleem Basha, Convict No.3315, aged about 36 years, detained at Central Prison, Vellore and to release him for 15 days for treatment of detainee's father and further arrangement for medical expenses, by considering the petitioner's representation dated 07.05.2019 for medical treatment.

For Petitioner :Mr.ARL.Sundaresan for Mr.R.Rajan
Senior Counsel

For Respondents:Ms.P.Kritika Kamal
Government Advocate (Criminal Side)

O R D E R

(Order of the Court was made by N.SATHISH KUMAR,J.)

This Habeas Corpus Petition has been filed by the petitioner, who is the wife of detainee, seeking a direction to grant Leave for 15 days to the detainee Sadiq Basha, S/o Saleem Basha, Convict No.3315, aged about 36 years, detained at Central Prison, Vellore and to release him for 15 days for treatment of

detenue's father and further arrangement of medical expenses by considering the petitioner's representation dated 07.05.2019.

2. In an earlier occasion, W.P.No.2483 of 2019 and W.A.No.868 of 2019 filed by the petitioner were dismissed, observing as follows:-

"In our Prima facie view, the appellant is indirectly seeking for granting bail to her husband, which is not permissible in the light of the bar under Section 37 of the Act. It is always open to the appellant to approach the competent authorities or approach the Division Bench, before which the Criminal Appeal is pending. Learned Senior Counsel appearing for the appellant submits that the appellant can also avail the remedy by filing Habeas Corpus Petition. It is for the learned Senior counsel for appellant to advise his client as to what remedy she has to see..."

3. The learned Government Advocate appearing for the respondents submitted that on the basis of the representation made by the petitioner, she has verified the antecedents of the detenue and State is willing to grant 3 days Leave, whereas the contention of the learned Senior Counsel for the petitioner is that minimum 7 days Leave is required to meet out certain exigencies.

4. The statement of the learned Government Advocate is taken on record and the respondents are directed to consider the representation of the petitioner dated 07.05.2019 and pass orders granting Leave to the detenue as per Tamil Nadu Suspension of Sentence Rules 1982 on merits. Such order shall be passed within a period of one week from the date of receipt of this order.

5. With the above direction, the Habeas Corpus Petition is allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Additional Director General of Prison
Prison Department
Gandhi Irwin Road, Egmore, Chennai - 8

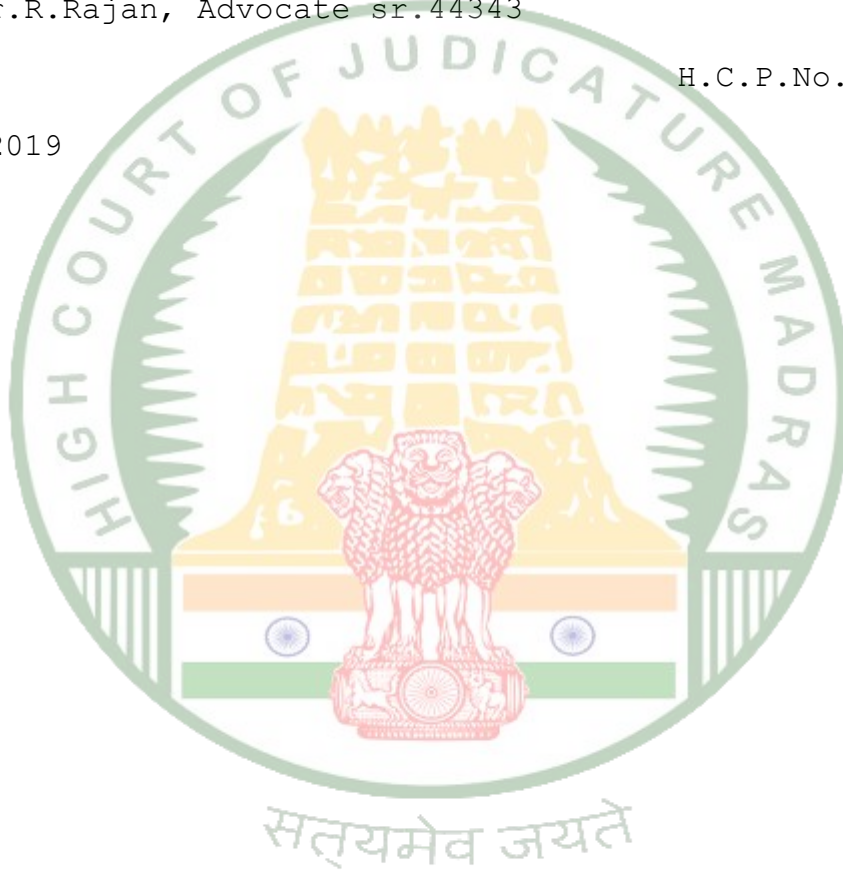
2. The Superintendent of Prison
Central Prison, Vellore.

3. The Public Prosecutor, High Court, Madras.

+1cc to Mr.R.Rajan, Advocate sr.44343

H.C.P.No.968 of 2019

nr 30/05/2019



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