

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15..07..2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M.NIRMAL KUMAR

Habeas Corpus Petition No.1384 of 2019

S.Karpagam

... Petitioner

-Versus-

The State rep. by

- 1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai 600009.
- 2.The Additional Director General of Prison,
C.M.D.A. Towers,
Egmore, Chennai 600008.
- 3.The Superintendent of Prison,
Central Prison,
Salem.

.... 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 detenu - M.Saravanan (Convict No.6920), aged about 47 years, Son of Munusamy, now, detained at Central Prison, Salem.

For Petitioner : Mr.R.Narayanan

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 wife of the life convict. Seeking ordinary leave to visit his ailing daughter, who had suffered an accident, the present petition has been filed.

2. Heard both sides.

3. The learned Additional Public Prosecutor, on instructions, submitted that it is the fact that the daughter of the convict suffered injuries. However, the convict having availed leave on the previous year, he is not entitled to leave as per rule.

4. The fact that the daughter of the convict met with an accident is not in dispute. Therefore, the situation warrants grant of leave to the convict. We, therefore, direct the respondents to grant leave to the convict for 14 days 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 18.07.2019 and that the convict shall return back to the prison at 05.00 p.m. on 31.07.2019. The question of providing escorts will be decided by the 3rd respondent by taking into consideration of the fact as to whether on the last occasion when ordinary leave was granted, the convict was permitted to go on leave with or without escorts, as the case may be. We make it clear that if the convict was permitted to go on leave on the earlier occasion, without escorts, the same thing will have to be continued for the present order as well. In such an eventuality, the convict will have to report before the concerned police station every day at 10.00 a.m. during the leave period.

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

List this matter on 02.08.2019 for reporting compliance.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

kmk

To

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1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George, Chennai 600009.

2.The Additional Director General of Prison,
C.M.D.A. Towers,
Egmore, Chennai 600008.

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

4. The Public Prosecutor,
High Court, Chennai - 104.

(for Communication of this order to the concerned Police Station
for the appearance of the life convict)

+1cc to Mr.R.Narayanan , Advocate SR.No. 59508

H.C.P.No.1384 of 2019

A.SK(16/07/2019)



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