

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM

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

Habeas Corpus Petition No.1452 of 2019

D.Ashok Kumar
S/o.Devaraj

... Petitioner /Son 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,
C.M.D.A. Towers,
Egmore, Chennai 600008.
- 3.The Superintendent,
Coimbatore 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 30 days to the detenue - Devaraj (Convict No.8445), aged about 61 years, now, confined at Central Prison, Coimbatore.

For Petitioner : Mr.R.Narayanan
For Respondents : Mr.C.Iyyappa Raj, APP for
RR1 to 3

ORDER

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

The petitioner is the son of the convict - Devaraj. The present petition has been filed seeking ordinary leave for 30 days to the convict on the ground that the properties will have

to be sold and marriage for the petitioner will have to be fixed and arrangements will have to be made for the treatment of the mother of the petitioner.

2. The learned Additional Public Prosecutor, on instructions, submitted that the convict has been under incarceration for more than 13 years and on the previous occasion, the convict was granted leave and he had returned back.

3. Though the convict has been granted emergency leave on the previous occasions, the present one is for ordinary leave and the reasons assigned are not specifically denied or disputed. Moreover, the convict had already served the sentence of imprisonment for the offence under the Arms Act and therefore, the same would not stand in the way of considering the request for ordinary leave.

4. Considering the facts coupled with the conduct of the convict and the reasons assigned, we are inclined to direct the respondents to grant ordinary leave for 30 days to the convict commencing from 26.07.2019 onwards subject to the usual conditions that can be imposed by the respondents. We make it clear that inasmuch as the convict went on leave and returned back without escort on the previous occasions, no escort is required in the present availing of the leave is concerned. However, the convict will have to report before the Inspector of Police, Kannankurichi Police Station, Salem District every day on 10.00 a.m. during the period of leave. The convict shall be released from the prison on leave at 10.00 a.m. on 26.07.2019 and shall return back to the prison at 05.00 p.m. on 24.08.2019.

In the result, this Habeas Corpus Petition is disposed of accordingly. The Registry is directed to list this matter for reporting compliance on 26.08.2019.

kmk/smv

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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,
C.M.D.A. Towers,
Egmore, Chennai 600008.

3.The Superintendent,
Coimbatore Central Prison,
Coimbatore.

4. The Inspector of Police,
Kannankurichi Police Station,
Salem.

5. The Public Prosecutor,
High Court, Madras.

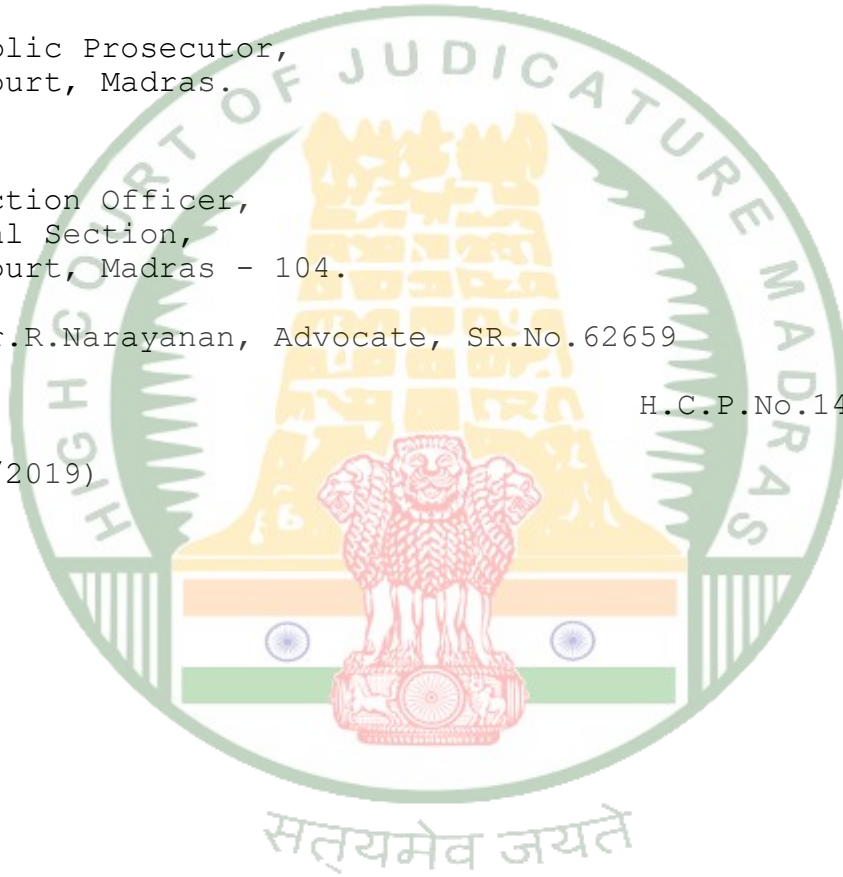
Copy to:-

The Section Officer,
Criminal Section,
High Court, Madras - 104.

+1cc to Mr.R.Narayanan, Advocate, SR.No.62659

H.C.P.No.1452 of 2019

Kak(25/07/2019)



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