



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01..08..2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M.NIRMAL KUMAR
Habeas Corpus Petition No.1483 of 2019

A.Ibrahim

... Petitioner

-Versus-

The State Rep. by its

1.The Deputy Inspector General of Prisons,
C.M.D.A. Towers,
Emgore, Chennai 600008.

2.The Superintendent,
Central Prison, Puzhal-I,
Chennai.

... 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 detinue - A.Ibrahim (Convict Prisoner No.4661), aged about 39 years, son of Abdul Razak, now, detained at Central Prison, Puzhal-I, Chennai.

For Petitioner : Dr.S.Manoharan

For Respondents : Mr.C.Iyyappa Raj, APP for
RR1 and 2

ORDER

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

The petitioner is the life convict. After having undergone 20 years of incarceration, he has come up with this petition seeking leave to attend to his ailing father.

2. The learned Additional Public Prosecutor while admitting the fact that the father of the petitioner is ailing, submitted that the petitioner is also involved in the commission of offence punishable under The Explosives and Substances Act.

3. It is not in dispute that the petitioner had already undergone more than 20 years of imprisonment. The ailment of the



father of the petitioner is also not in dispute. For the offence committed under the provisions of the Explosives and Substances Act, the petitioner had already undergone the sentence imposed on him. Therefore, in law, the petitioner is entitled for consideration of leave.

4. In such view of the matter, we are inclined to direct the respondents to grant leave to the petitioner/convict for 30 days commencing from 05.08.2019 subject to the usual conditions that can be imposed by the respondents. The petitioner shall be released from the prison at 10.00 a.m. on 05.08.2019 and he shall return back to the prison at or before 05.00 p.m. on 05.09.2019. The respondents shall provide necessary escort to the convict from the Central Prison from the time he leaves the prison and till such time he is taken back to the Central Prison, on the said date and time as ordered by this court. We make it clear that the day on which the convict is released from the prison and the day on which he is readmitted will have to be excluded. This Habeas Corpus Petition is disposed of accordingly with the above directions.

The Registry is directed to list this matter on 09.09.2019 for reporting compliance.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Kmk

To

- 1.The Deputy Inspector General of Prisons, C.M.D.A. Towers, Emgore, Chennai 600008.
- 2.The Superintendent, Central Prison, Puzhal-I, Chennai.
- 3.The Joint Secretary to Government, Public (Law and Order), Secretariat, Fort St. George, Chennai 600009.
- 4.The Public Prosecutor, High Court, Chennai.

+1cc to Mr. S.Manoharan, Advocate, S.R.No. 65874

H.C.P.No.1483 of 2019

RJI (CO)
GN(02/08/2019)