

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05..08..2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M.NIRMAL KUMAR
Habeas Corpus Petition No.1544 of 2019

Katheeja

... Petitioner

-Versus-

The State Rep. by its

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,
Central Prison,
Puzhal-I, Chennai.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to grant ordinary leave for 30 days to the convict - Jakir Hussain (Convict No.1770), Son of Salaudeen, now, detained at Central Prison, Puzhal, Chennai.

For Petitioner : Mr.Dr.S.Manoharan

For Respondent : Mr.C.Iyyappa Raj,
Additional Public
Prosecutor for RR1 to 3

ORDER

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

The petitioner, who is the wife of the convict, seeks ordinary leave for 30 days to the convict, to have children pursuant to the marriage.

2. When the matter is taken up for hearing, Mr.M.Satheesh, Jailor, Central Prison, Puzhal-I, Chennai, is present, as directed by this court by order dated 01.08.2019.

3. Heard both sides.

4. The objection of the learned Additional Public Prosecutor has been considered earlier by this court on many occasions, including the petition in H.C.P.No.1542 of 2019 which was disposed today with respect to reliance placed on Rule 21 of The Tamil Nadu Suspension Rules, 1982. As the need for leave is not in dispute coupled with the fact that the convict has been under incarceration for more than two years, having not been involved in any untoward incidents during the said period, we are inclined to grant leave as prayed for.

5. In the result, the respondents are directed to grant ordinary leave to the convict for 30 days commencing from 20.08.2019 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 20.08.2019 and he shall return back to the prison at 05.00 p.m. on 20.09.2019. The respondents shall provide necessary escorts 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. The presence of the Jailor is dispensed with. This Habeas Corpus Petition is disposed of accordingly with the above directions.

The Registry is directed to list this matter on 24.09.2019 for reporting compliance.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

kmk

To

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, Central Prison,
Puzhal-I, Chennai.
- 4.The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort St. George,
Chennai 600009.
- 5.The Public Prosecutor,
High Court, Chennai.

Copy To

The Section Officer/Posting,
Criminal Section, High Court,
Madras. (Case posted for Reporting Compliance on 24/09/2019)

+1cc to Mr.S.Manohar, Advocate, S.R.No. 66603

H.C.P.No.1544 of 2019

RSK(CO)
GN(16/08/2019)