

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19..08..2019

CORAM

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

HABEAS CORPUS PETITION NO.1681 OF 2019

Zaheera Banu

... Petitioner

-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 600 008.

3.The Superintendent,
Chennai Puzhal Prison,
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 detenu - Umar Bharukha (a) Muhaideen Abdhul Kadhar (Convict No.6045), aged 37 years, now detained at Chennai Puzhal Prison, Chennai.

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 wife of the the convict. She seeks ordinary leave for 30 days to the convict, who has been under incarceration for more than 20 years, for taking fertility treatment.

2. Heard both sides.

3. We have already considered the similar issues and granted relief. Even in this case, there is no dispute raised with respect to the need for granting leave, which is to infuse fertility to the petitioner.

4. Considering the above coupled with the period of incarceration undergone by the convict, we are inclined to grant ordinary leave for 30 days to the convict commencing from 22.08.2019 onwards subject to the usual conditions, but, without escorts.

5. In the result, the respondents are directed to grant ordinary leave for 30 days to the convict subject to the usual conditions that can be imposed by the respondents, but, without escorts. The convict shall be released from the prison at 10.00 a.m. on 22.08.2019 and that the convict shall return back to the prison at or before 05.00 p.m. on 22.09.2019. 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 from the leave. The petitioner shall report before the Inspector of Police, Nagoor Police Station, daily 10.00 a.m. during the period of leave without fail.

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

List this matter on 24.09.2019 for reporting compliance.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

kmk

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 600 008.

3.The Superintendent,
Chennai Puzhal Prison,
Chennai.

4.The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort St.
George, Chennai 600009.

5.The Public Prosecutor,
High Court,
Madras - 104.

+1cc to Mr.S.Manoharan, Advocate, S.R.No.70105

H.C.P.No.1681 of 2019

AD(CO)

RRS (21/08/2019)



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