

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.08.2019
CORAM

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

Habeas Corpus Petition No.1704 of 2019

R.Mageshwari

... Petitioner

-Versus-

1.The Secretary to the Government,
Department of Home,
Fort St.George,
Secretariat, Chennai - 600 009.

2.The Additional Director General of Prison (Prison)
CMDA Towers, Egmore,
Chennai - 600 008.

3.The Superintendent,
Open Prison, Singanallur,
Coimbatore District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to grant parole for a period of 25 days commencing from 20.08.2019 to 15.09.2019 to the petitioner's husband namely Ramachandran (Convict No.1178) son of Kunju, aged about 54 years who is confined in Open Prison, Singanallur, Coimbatore, to conduct his daughter marriage on 01.09.2019.

For Petitioner	: Mr.M.R.Kuyilan
For Respondents	: Ms.V.Saradha Devi Government Advocate

ORDER

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

The petitioner is the wife of the convict, who has been under incarceration for the past six years. Ordinary Leave has been sought for on the premise that the convict will have to attend his daughter's marriage.

2. Heard both sides.

3. The learned Additional Public Prosecutor, on instructions, submitted that it is factually correct that the marriage of the daughter of the convict is scheduled to be held on 01.09.2019.

4. We find that the convict will have to be given three weeks of ordinary leave inasmuch as the purpose for leave is not in dispute.

5. According, we direct the respondents to grant ordinary leave to the convict for a period of three weeks 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 28.08.2019 and that the convict shall return back to the prison at or before 05.00 p.m. on 19.09.2019. The convict shall be accompanied by adequate escorts. 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. It is further made clear that the escort charges will also be borne by the detainee.

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

List this matter on 20.09.2019 for reporting compliance.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to the Government,
Department of Home,
Fort St.George,
Secretariat, Chennai - 600 009.

2.The Additional Director General of Prison (Prison)
CMDA Towers, Egmore,
Chennai - 600 008.

3.The Superintendent,
Open Prison, Singanallur,
Coimbatore District.

4.The Public Prosecutor, High Court,
Chennai.

Copy to:

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

+1cc to Mr.M.R.Kuyilan, Advocate sr.72655

H.C.P. No. 1704 of 2019

nr 28/08/2019