

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2019

CORAM :

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

Habeas Corpus Petition No.1709 of 2019

S.Sapurnishal

...Petitioner

-Versus-

1.State by The Director General of Police
& Inspector General of Prison,
Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai 600 066.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to release the petitioner's son Khaja Mohideen, a convict prison, aged about 37 years, son of Mohammed, now, confined in Central Prison, Puzhal, Chennai 600 066 on ordinary leave for one month.

For Petitioner : Mr.P.Pugalenth

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 mother of the Convict. Seeking ordinary leave for one month to the convict on the ground of illness of her husband, she is before this court with this Habeas Corpus Petition.

2. Heard both sides.

3. Though there is no dispute on the fact with respect to the illness suffered by the father of the convict, the

learned Additional Public Prosecutor objected to the grant of leave relying on the Rule 22 of the Tamil Nadu Suspension of Rules, 1982.

4. We have already considered the said issue in several other similar matters and held that the aforesaid rule would not be a bar for consideration for grant of leave. We may also note that the detainee has already served six years of imprisonment as against the sentence awarded to him. We are therefore inclined to direct the respondents to grant leave for 30 days to the convict subject to the conditions that can be imposed by the respondents.

5. Accordingly, we direct the respondents to grant ordinary leave to the convict for 30 days 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 26.08.2019 with minimum escorts and that the convict shall return back to the prison at or before 05.00 p.m. on 26.09.2019. The costs towards escort facilities shall be borne by the respondents. 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.

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

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Director General of Police
& Inspector General of Prison,
Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai-66.

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

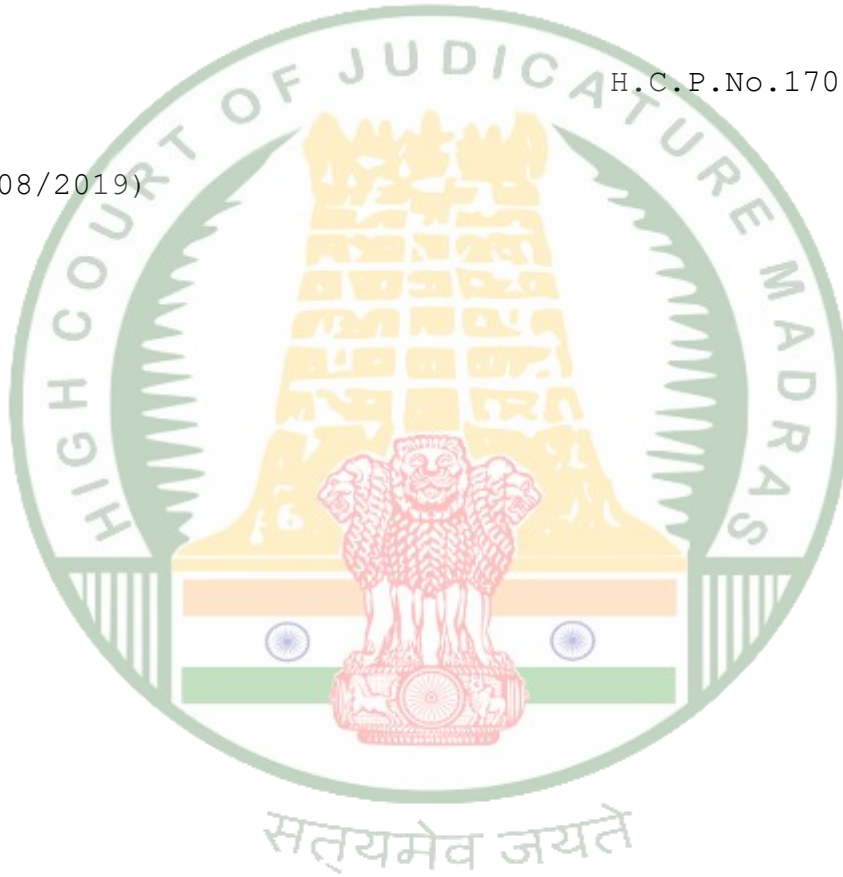
4.The Public Prosecutor,
High Court, Chennai.

Copy to:-
The Section Officer/Posting,
Criminal Section,
High Court, Madras - 104.
(For Reporting Compliance on 30.09.19)

+1cc to Mr.P.Pugalenth, Advocate, SR.No.71454

H.C.P.No.1709 of 2019

Kak(22/08/2019)



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