

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27..08..2019

CORAM

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

HABEAS CORPUS PETITION NO.1726 OF 2019

M.Sakila Banu

... Petitioner

-Versus-

The State Rep. by its

1. The Home Secretary to Government,
St. George Fort,
Chennai 600 009.
2. The Additional Director General of Police,
Inspector General of Prisons,
Chennai 600 008.
3. The Superintendent,
Central Prison, Kovai.

... 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 convict, the detainee - Mohammed Rafik, (Convict No.10682), aged about 42 years, son of Mohammed Sali, now, detained at Central Prison, Coimbatore.

For Petitioner

सत्यमेव जयते
: Mr.R.Narayanan

For Respondents

: Mr.C.Iyyapparaj, APP for
RR1 to 3

ORDER

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

The petitioner is the sister of the convict. Seeking ordinary leave to the convict to take care of his old aged parents and to make arrangement for his marriage, the petitioner is before this court with this petition.

2. Heard both sides.

3. Inasmuch as the reason assigned for leave is not in dispute and the convict has been under incarceration for more than 20 years, we are inclined to direct the respondents to grant ordinary leave to the convict for 30 days.

4. Accordingly, we direct the respondents to grant leave to the convict for 30 days commencing from 21.09.2019 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 21.09.2019 and he shall return back to the prison at or before 05.00 p.m. on 22.10.2019. The respondents shall provide necessary escorts at their cost 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 24.10.2019 for reporting compliance.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The Home Secretary to Government, St. George Fort, Chennai 600 009.
2. The Additional Director General of Police, Inspector General of Prisons, Chennai 600 008.
3. The Superintendent, Central Prison, Kovai.
4. The Joint Secretary to Government, Public (Law and Order), Secretariat, Fort St. George, Chennai 600009.

5. The Public Prosecutor,
High Court, Chennai.
6. The Section Officer,
Criminal Section,
High Court, Madras-104.

(for posting the matter on 24.10.2019)

+1cc to Mr.R.Narayanan, Advocate, S.R.No.73166

H.C.P.No.1726 of 2019

BP(CO)
CS/05/09/2019



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