

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.09.2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice RMT. TEEKA RAMAN
Habeas Corpus Petition No.1961 of 2019

G. Manjula

.... Petitioner

-Versus-

- 1.The Home Secretary,
Home Department,
Secretariat, Fort.St. George,
Chennai - 600 009
2. Additional Director General of Prison and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai - 600 008
3. The Superintendent of Police.
Salem Central Prison,
Salem 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 3 months leave without escort to the petitioner's husband namely Mr.C. Raj Mohan, S/o Chandra Mohan, aged about 43 years (C.T. No.6584) now confined in

Central Prison, Salem for Kidney transplantation to the petitioner's son namely Master.Sanjay, aged about 16 years in pursuant to the medical records.

For Petitioner : Mr.M. Mohamed Saifulla

For Respondents : Mr.R. Prathap Kumar
Additional Public
Prosecutor

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 having committed offence punishable under Sections 302, 364, 341 IPC. Ordinary Leave has been sought for on the premise that the convict will have to make arrangements for surgery of kidney transplantation of his son Master.Sanjay, aged about 16 years.

2. The learned Additional Public Prosecutor submitted that the convict's son is suffering from kidney ailment viz., bilateral chronic medical renal disease.

3. We find that the convict will have to be given 30 days of ordinary leave inasmuch as the purpose for leave is not in dispute.

4. According, 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 20.09.2019 and that the convict shall return back to the prison at or before 05.00 p.m. on 21.10.2019. The convict shall be accompanied by adequate escorts and the expenses for providing escorts shall be borne by the State. We make it clear that the day on which the convict is released from the prison and the day on which he is re-admitted will have to be excluded from the leave.

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

List this matter on 22.10.2019 for reporting compliance.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sr

TO:

1.The Deputy General of Prison, Prison Department, Gandhi
Irwin
Road, Egmore, Chennai 600008.

2.The Superintendent of Prison, Central Prison, Salem

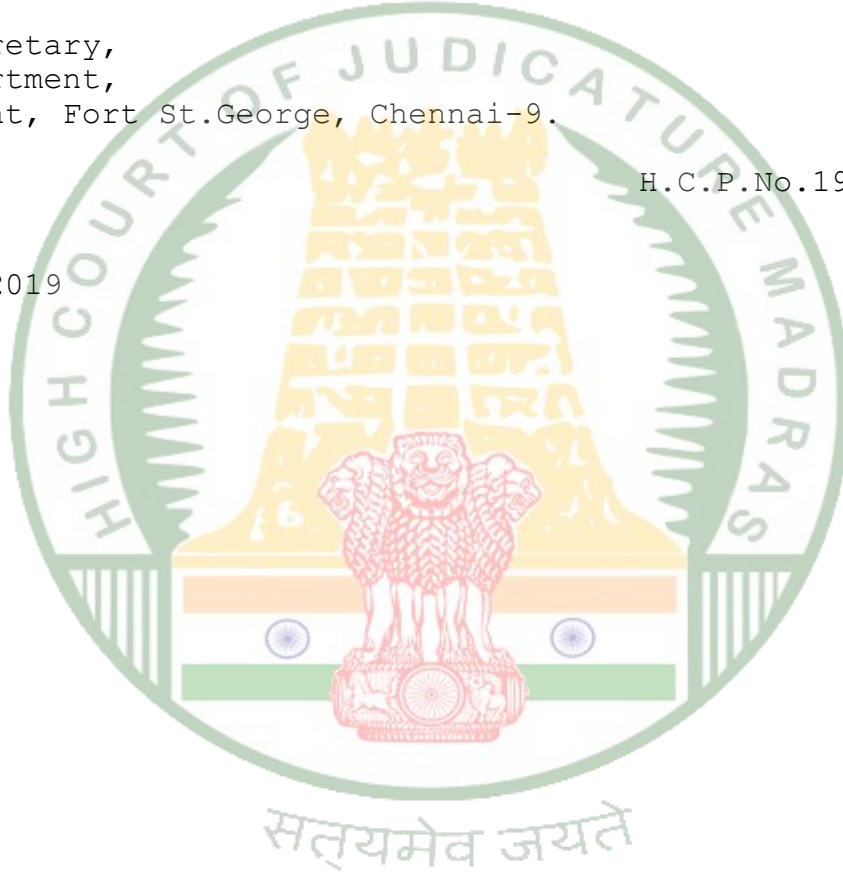
3.The Joint Secretary to Government, Public (Law and Order),
Secretariat, Fort St. George, Chennai 600009.

4.The Public Prosecutor, High Court, Chennai.

5.The Secretary,
Home Department,
Secretariat, Fort St.George, Chennai-9.

H.C.P.No.1961 of 2019

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