

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND

THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

H.C.P. No. 2040 of 2019

M.Jeyammal

... Petitioner

-vs-

1.State by: The DGP & Inspector
General of Prison,
Gandhi Irvin Road,
Egmore, Chennai - 8.

2.The Superintendent of Prison,
Central Prison, Coimbatore.Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents to release the petitioner's father Mathaiyan, S/o.Munusamy, Life Convict Ct.No.74022, aged about 71 years, now confined in the Central Prison, Coimbatore on ordinary leave for one month.

For Petitioner : Mr.P.Pugalenthir

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

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Seeking a direction to the respondents to release the petitioner's father Mathaiyan, S/o.Munusamy, Life Convict Ct.No.74022, aged about 71 years, now confined in the Central Prison, Coimbatore on ordinary leave for one month, the present habeas corpus petition has been filed by the daughter of the convict.

2. Petitioner seeks the above relief on the premise that the mother of the petitioner, who is incidentally the wife of the convict is suffering from serious illness.

3.Learned counsel appearing for the petitioner submitted that the Probation Officer has already recommended the case of the convict and for about 30 years, the convict is inside the prison.

4.Learned Additional Public Prosecutor, on instructions, while not disputing the aforesaid submission, has produced the proceedings of the Probation Officer to the Superintendent, Central Prison, Coimbatore dated 25.09.2019, which also shows that the reasons assigned by the petitioner are true.

5.Considering the above, we are inclined to grant 30 days leave to the convict without escort. Accordingly, the convict shall be released at 10.00 a.m. on 04.10.2019 and he shall return back to prison at 05.00 p.m. on 02.11.2019 subject to the usual conditions that can be imposed. During the leave period, the convict shall report before the Karumalaikoodal Police Station, Salem District daily at 10.00 a.m.

5. In view of the above, the Habeas Corpus Petition stands disposed of.

Post the matter on 04.11.2019 'for reporting compliance'.

mmi/ssm

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The DGP & Inspector General of Prison,
Gandhi Irvin Road,
Egmore, Chennai - 8.
- 2.The Superintendent of Prison,
Central Prison, Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
Karumalikoodal Police Station,
Salem Dist.

+1cc to Mr.P.Pugalenth, Advocate, SR.No.84330

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Kak(03.10.2019)