

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM:

The Honourable Mr. Justice M.M.SUNDRESH
and
The Honourable Mr. Justice RMT.TEEKAA RAMAN

Habeas Corpus Petition No.2092 of 2019

Rahmath Nisha

... Petitioner

vs.

1. The State represented by its
The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai 600 009.
2. The Additional Director General of Prison,
Egmore,
Chennai 600 008.
3. The Superintendent,
Central Prison,
Salem.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the Respondents to grant Ordinary Leave for 30 days without escort to the detenu, Thajudeen, S/o.Kaja Mohideen, aged about 36 years, Life Convict Prisoner, bearing Convict No.7211, detained at Central Prison, Salem.

For Petitioner : Mr.R.Narayanan

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

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O R D E R

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

The Petitioner is the mother of a Life Convict, viz. Thajudeen, who is detained at Central Prison, Salem. Now, the Petitioner has come up with this Petition seeking a direction to the Respondents to consider the case of the detenu, for grant of Ordinary Leave for Thirty days without escort, to make arrangements for his marriage.

2. Learned counsel for the Petitioner submitted that the co-accused has already been released pre-maturely by relying on the Government Order. However, the case of the detenu herein has not been considered and the Petitioner's application is pending.

3. Learned Additional Public Prosecutor submitted that though the reason assigned by the Petitioner seeking Ordinary Leave to the detenu is genuine, taking note of the nature of offence involved by the detenu, he prayed that this Court may not grant Leave to him.

4. The fact that the co-accused had already been released, prematurely, is not in dispute. Also, the reason assigned by the Petitioner is not denied or disputed. Hence, we feel it appropriate to grant three weeks' Ordinary Leave to the Convict.

5. Accordingly, we direct the Respondents to grant Ordinary leave for three weeks' to the Convict, subject to the usual conditions that can be imposed by the Respondents, however, with minimum escorts. The Convict shall be released from the Prison at 10.00 a.m. on 25.10.2019 and he shall return back to Prison at 05.00 p.m. on 15.11.2019. 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.

6. This Habeas Corpus Petition is disposed of with the above direction.

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7. Registry is directed to list this matter 'for reporting compliance' on 18.11.2019.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

(aeb)
To:

1. The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai 600 009.
2. The Additional Director General of Prison,
Egmore,
Chennai 600 008.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court, Madras.
5. The District Collector
Salem District

+1 cc to Mr.S.Manokaran Advocate sr88002

H.C.P.No.2092 of 2019

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