

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 2157 of 2019

C.Thamilmani @ Mani @ Periyasamy ... Petitioner

-vs-

- 1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
- 2.The Director General of Prisons,
Gandhi Irwin Road, Egmore,
Chennai - 8.
- 3.The Superintendent of Prisons,
Central Prison, Salem - 7. 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 C.Thamilmani @ Mani @ Periyasamy, S/o. Chinnasamy, Ct.No.6445, aged 36 years, now confined in Central Prison, Salem, on ordinary leave for one month.

For Petitioner : P.Pugalenth

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 C.Thamilmani @ Mani @ Periyasamy, S/o. Chinnasamy, Ct.No.6445, aged 36 years, now confined in Central Prison, Salem, on ordinary leave for one month, the present habeas

corpus petition has been filed.

2. The petitioner, who is under incarceration for 18 years seeks a direction for ordinary leave on the ground that he requires to take treatment for AIDS.

3. As the need for treatment and the ailment suffered are not in dispute coupled with the period of incarceration, we are inclined to grant one month ordinary leave.

4. Considering the above, we are inclined to grant 30 days ordinary leave to the convict with minimum escort. Accordingly, the convict shall be released at 10.00 a.m. on 01.11.2019 and he shall return back to prison at 05.00 p.m. on 01.12.2019 subject to the usual conditions that can be imposed.

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

Post the matter on 02.12.2019 'for reporting compliance'.

25.10.2019

BEING MENTIONED

This Petition having been posted on 1/11/2019 "for being Mentioned" in pursuance of the order of this court dated 25/10/2019 and herein in the presence of the aforesaid Advocates this court made the following order:

(Order of the Court was made by M.M.SUNDRESH, J)

This matter is listed today under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. Learned counsel appearing for the petitioner submitted that on the earlier occasion, the convict was allowed to go on leave without escort. This fact is not disputed by the learned Additional Public Prosecutor.

3. In such view of the matter, the order dated 25.10.2019 is modified to the effect that the convict is granted 30 days leave without escort and he shall be released at 10.00 a.m. on 05.11.2019 and he shall return back to prison at 05.00 p.m. on 04.12.2019 subject to the usual conditions that can be imposed. The convict shall report before the jurisdiction police station daily at 5.00 p.m. during the aforesaid leave period.

Post the matter on 05.12.2019 'for reporting compliance'.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

2.The Director General of Prisons,
Gandhi Irwin Road, Egmore,
Chennai - 8.

3.The Superintendent of Prisons,
Central Prison, Salem - 7.

4. The Joint Secretary to Government
(Public Law & Order)
Fort Saint George Chennai=9

5.The Public Prosecutor,
High Court, Madras.

+2 ccs to Mr.P.Pugalenthil Advocate sr89763 & 90557

H.C.P. No. 2157 of 2019

aa04/11/2019

सत्यमेव जयते
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