

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM:

The Honourable Mr. Justice M.M.SUNDRESH

and

The Honourable Mr. Justice RMT.TEEKAA RAMAN

Habeas Corpus Petition No.2221 of 2019

A.Mohammed Rizwan

... Petitioner/Son of the Detenue
vs.

1. State of Tamil Nadu,
rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Director General of Police & I.G. of Prisons,
Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Superintendent of Prison,
Central Prison - 1,
Puzhal, Chennai 600 066.

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the Respondents to release the Petitioner's father, Abdul Rahim, S/o. Sheak Adam, aged 62 years, Convict No.6851, now confined in the Central Prison - 1, Puzhal, Chennai 66 (now admit in the Stanley Hospital, Chennai) on ordinary leave for one month.

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

ORDER

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

The Petitioner is the son of the Convict, viz. Abdul Rahim, who is detained at Central Prison, Puzhal, Chennai.

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 parole for 30 days, to provide treatment to the detenu, as he has been diagnosed with Cancer.

2. Heard the learned counsel for the parties.

3. Inasmuch as the ailment of the detenu is not in dispute, we feel it appropriate to grant 15 days' Ordinary Leave to the Convict.

4. Accordingly, we direct the Respondents to grant Ordinary leave for 15 days' 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 01.11.2019 and he shall return back to Prison at 05.00 p.m. on 15.11.2019.

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

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

FOR BEING MENTIONED

This matter having been listed under the caption 'for being mentioned' on wednesday the 13th day of november 2019 pursuant to the order of this Court dated 23.10.2019 and made herein in the presence of the aforesaid counsels on the either side the court made the following order:

M.M.SUNDRESH, J.
and
RMT.TEEKAA RAMAN, J.

(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. Taking note of the physical condition of the convict, who is suffering from advanced cancer, escort shall be dispensed with. Accordingly, the order dated 23.10.2019 is modified as under:

Accordingly, we direct the Respondents to grant Ordinary leave for 15 days' to the Convict, subject to the usual conditions that

can be imposed by the Respondents, without escort. The Convict shall be released from the Prison at 10.00 a.m. on 15.11.2019 and he shall return back to Prison at 05.00 p.m. on 30.11.2019. The convict shall report before the Inspector of Police, Esplanade Police Station, Chennai daily at 5.00 p.m. during the leave period.

Post the matter 'for reporting compliance' on 02.12.2019.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/ssm

Note: Issue copy of the order on 14.11.2019

To:

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai 600 009.
2. The Director General of Police & I.G. of Prisons,
Gandhi Irwin Road, Egmore, Chennai 600 008.
3. The Superintendent of Prison,
Central Prison - 1, Puzhal, Chennai 600 066.
4. The Public Prosecutor, High Court, Madras.
5. The District collector, Chennai / **to be substituted to the
order already despatched
on 25.10.2019**
6. The Section Officer,
Criminal Section,
High Court, Madras

+1 cc to Government Pleader Sr.No. 88530

+1cc to Mr.P.Pugalenthir, Advocate SR.No. **93910**

H.C.P. No. 2221 of 2019

A.SK(14/11/2019)