

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2276 of 2019

Stella Mery
W/o.Pandian

... Petitioner/Wife of the detenu

Vs

1.The State of Tamil Nadu
represented by its
Principal Secretary to Government,
Home [Prison] Department,
Tamil Nadu Government Chief Secretariat,
Fort Saint George, Chennai - 600009.

2.The Additional Director General of Police/
IG of Prisons,
CMDA, Towers II, No.1,
Gandhi Irvin Road, Egmore,
Chennai - 600008.

3.The Superintendent,
Central Prison I,
Puzhal, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing respondents to consider the petitioner's representation dated 14.10.2019 and direct the respondents to grant leave for one month to the detenu Pandiyan S/o.Mani, aged about 49 years, C.T.No.2416, now confined at Central Prison I, Puzhal, Chennai.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondents: Mr.R.Prathap Kumar

Additional Public Prosecutor

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner, who is the wife of the life convict, viz., Pandiyan S/o.Mani, aged about 49 years, C.T.No.2416, now confined at Central Prison I, Puzhal, Chennai, has filed this petition seeking a direction to respondents to consider the petitioner's representation dated 14.10.2019 and grant leave to the life convict for one month.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents. Perused the materials on record.

3. Learned Additional Public Prosecutor appearing for respondents invited the attention of this Court to Rule 35 of the Tamil..... Rules, 1982, and submits that the life convict is not eligible for ordinary leave since a case is pending against him. The life convict has already been granted emergency leave for five days i.e. from 07.12.2019 to 11.12.2019 and he has returned to prison only yesterday i.e.11.12.2019.

4. On the other hand, learned counsel for petitioner submits that apart from emergency leave, the life convict is also entitled for ordinary leave.

5. Be that as it may, the fact remains that the life convict has returned to prison only on 11.12.2019 after availing emergency leave. At this juncture, this Court is not inclined to entertain the present petition.

Accordingly, the Habeas Corpus Petition is dismissed. However, the petitioner is at liberty to file a fresh petition at a later point of time, which shall be considered in accordance with the Rules.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Principal Secretary to Government,
Home [Prison] Department,
Tamil Nadu Government Chief Secretariat,
Fort Saint George, Chennai - 600009.

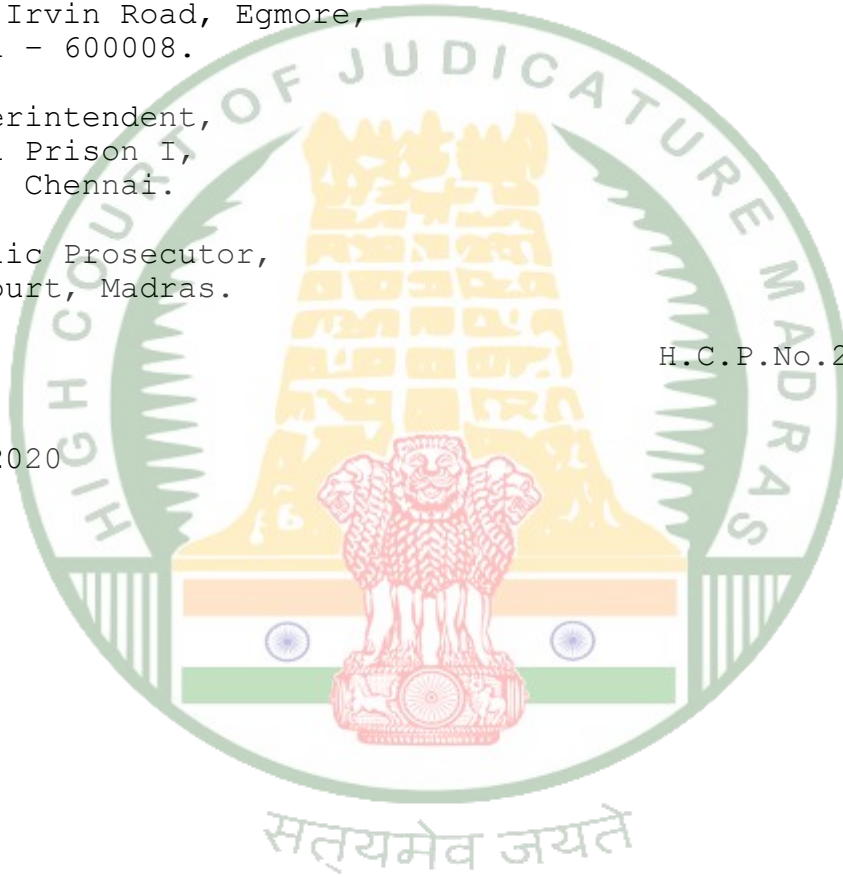
2.The Additional Director General of Police/
IG of Prisons,
CMDA, Towers II, No.1,
Gandhi Irvin Road, Egmore,
Chennai - 600008.

3.The Superintendent,
Central Prison I,
Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2276 of 2019

pvs(co)
nr 12/02/2020



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