

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2019

Coram

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

H.C.P. No. 2348 of 2019

Sarojini N. ... Petitioner/Mother of
the detenue

-vs-

The State represented by its

- 1.The Secretary to Government
of Tamil Nadu, Department of Home,
Fort St. George, Chennai - 9.
- 2.The Additional Director General of Prison,
Egmore, Chennai - 8.
- 3.The Superintendent,
Central Prison, Cuddalore.

.... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents to grant ordinary leave for 30 days without escort to the detenu Harikaran, S/o.Natarajan, life convict prisoner, bearing Convict No.14895, detained at Central Prison, Cuddalore.

For Petitioner : Dr.S.Manoharan

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

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ORDER

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

Seeking a direction to the respondents to grant ordinary leave for 30 days without escort to the convict Harikaran, S/o.Natarajan, life convict prisoner, bearing Convict No.14895, detained at Central Prison, Cuddalore, the present habeas corpus petition has been filed.

2.The petitioner is the mother of the convict seeking ordinary leave on the ground of her continued ill health arising from age related problem.

3.Learned Additional Public Prosecutor appearing for the State submitted that though the petitioner has been granted leave on earlier occasions without escort, there is objection from the jurisdictional police in view of the nature of the offence committed by him. He does not dispute the factum that the petitioner is suffering from ailment.

4.The Probation Officer has recommended the case of the convict. However, objection from the police is with respect to the offence committed by him decades ago. Now, he is under incarceration for more than 17 years. On the earlier occasions, he was granted leave without escort. Therefore, the objection of the concerned police cannot be sustained in the eye of law. It is not as if the problem has arisen only now.

5.In such view of the matter, we are inclined to grant three weeks leave to the convict without escort subject to the usual conditions that can be imposed. The convict shall be released at 10.00 a.m. on 15.11.2019 and he shall return back to prison at 05.00 p.m. on 06.12.2019. The convict shall report before the Inspector of Police, Pudupettai Police Station, Chennai daily at 5.00 p.m. during the leave period. The Habeas Corpus Petition stands disposed of accordingly.

Post the matter on 09.12.2019 'for reporting compliance'.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

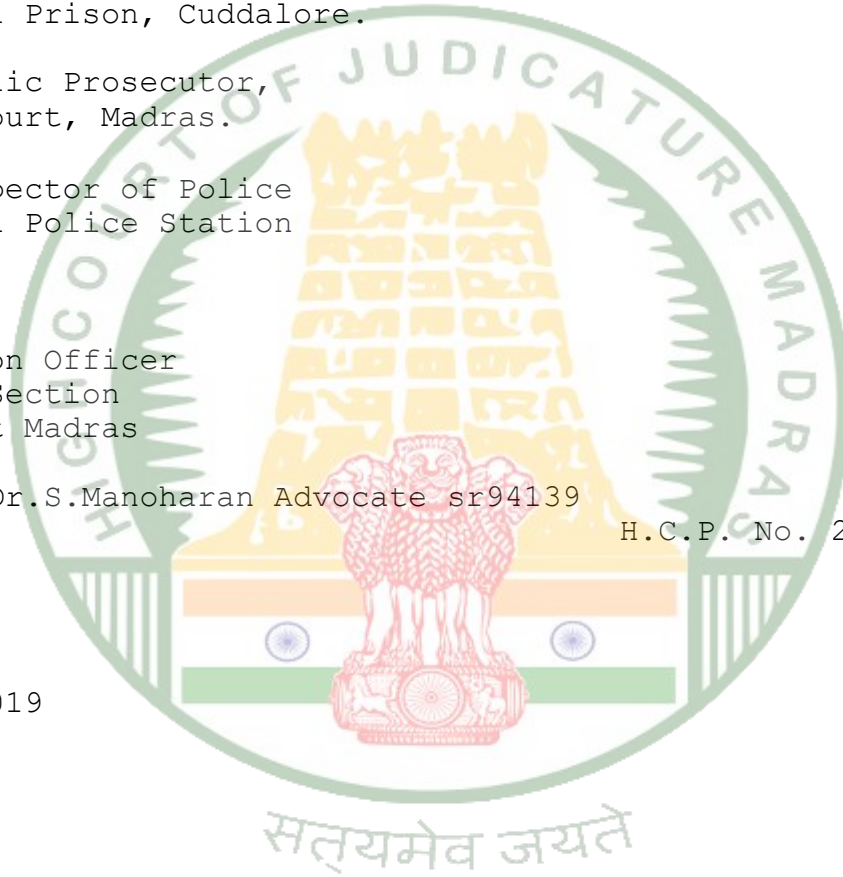
- 1.The Secretary to Government
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- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.
- 5.The Inspector of Police
Pudupettai Police Station
Chennai

copy to
The Section Officer
Criminal Section
High Court Madras

+1 cc to Dr.S.Manoharan Advocate sr94139

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