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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

H.C.P.NO.2398 OF 2019

Rajeshwari

.. Petitioner

Vs

The State rep. 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, CMDA Towers,
Egmore, Chennai - 8.
3. The Superintendent,
Central Prison, Puzhal I, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to direct the first respondent to grant leave for 20 days without escort to the detenu Rahman, S/o.Zaheer Hussain, Convict Prisoner, Convict No.5249 detained at Central Prison, Puzhal I, Chennai.

For Petitioner : Dr.S.Manoharan

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

ORDER

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

The petitioner, who is the wife of the convict seeks ordinary leave to attend to the ailing son.

2.Learned Additional Public Prosecutor placing reliance upon the counter affidavit filed by the third respondent submitted



that there is a statutory prohibition under Rule 35 of Tamil Nadu Suspension of Sentence Rules, 1982 and the convict is having five sessions cases pending.

3. In such view of the matter, we are not inclined to grant the relief sought for by the petitioner. Accordingly, the habeas corpus petition stands dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to Government
of Tamil Nadu,
Department of Home, Fort St. George,
Chennai - 9.
2. The Additional Director General of
Prison, CMDA Towers,
Egmore, Chennai - 8.
3. The Superintendent,
Central Prison, Puzhal I, Chennai.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Dr.S.Manoharan, Advocate, S.R.No.96716

H.C.P.No.2398 of 2019

PA(CO)
CS/08/01/2020