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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM

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

H.C.P.No.2549 of 2019

Nilaver Nisha
W/o.Hussain

... Petitioner/ Mother of the detenu

Vs

- 1.The Home Secretary (Prison),
Home Department,
Secretariat, Fort St.George,
Chennai.
 - 2.The Additional Director General of Police,
Department of Central Prison,
CDMA Tower - II, Gandhi Irwin Road,
Egmore, Chennai - 600008.
 - 3.The Deputy Inspector General of Prison,
Coimbatore Range,
Gandhipuram, Coimbatore.
 - 4.The Superintendent of Police,
Central Prison, Coimbatore.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to grant parole for 30 days from 18.11.2019 to 18.12.2019 to the detenu H.Abu Thahir S/o.Hussain, aged 40 years, life convict No.4346, now confined at Central Prison, Coimbatore, for the petitioner's eye treatment.

For Petitioner : Mr.A.Raja Mohamed

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/mother of H.Abu Thahir S/o.Hussain, aged 40 years, life convict No.4346, now confined at Central Prison, Coimbatore, has filed the present petition seeking a direction to respondents to grant parole for 30 days to her son.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor.

3. Learned counsel for petitioner submits that petitioner's son was convicted for offences u/s.120B, 148, 341 and 302 IPC and sentenced to life imprisonment in S.C.No.114 of 2003 on the file of learned I Additional Sessions Judge, Coimbatore, under judgment dated 11.02.2004. Petitioner's son has been in prison for the past 17 years and presently, he is detained at Central Prison, Coimbatore. Learned counsel submits that the presence of life convict is required for arranging his marriage and as also for the eye operation of his mother. Hence, the present petition has been filed seeking the aforesaid relief.

4. Learned Additional Public Prosecutor appearing for respondents submits that the life convict has not availed ordinary leave for the past 17 years and hence, leave may be granted for a lesser period with escort.

5. Considering the submissions made, we grant leave to the life convict for a period of three weeks. Accordingly, this Court directs as follows:

- (a) Fourth respondent is directed to release the life convict H.Abu Thahir S/o.Hussain, aged 40 years, life convict No.4346, now confined at Central Prison, Coimbatore, on ordinary leave for a period of three weeks i.e., 09.12.2019 to 29.12.2019.
- (b) The life convict shall be released on 09.12.2019 at 10.00 a.m. with escort and he shall be brought back to the Central Prison, Coimbatore, on 30.12.2019 at 05.00 p.m.
- (c) Respondents are directed to follow the procedures prescribed in the prison manual for ensuring the safety and providing necessary security and escort facilities to the life convict during the period of leave.

6. The Habeas Corpus Petition is disposed of with the above direction.

Post 'for reporting compliance' on 02.01.2020.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar



gm
To

- 1.The Home Secretary (Prison),
Home Department,
Secretariat, Fort St.George,
Chennai.
 - 2.The Additional Director General of Police,
Department of Central Prison,
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 - 3.The Deputy Inspector General of Prison,
Coimbatore Range,
Gandhipuram, Coimbatore.
 - 4.The Superintendent of Police,
Central Prison, Coimbatore.
 - 5.The Public Prosecutor,
High Court, Madras.
- +2ccs to Mr.A.Raja Mohamed, Advocate SR.No. 100573
H.C.P.No.2549 of 2019
A.SK(05/12/2019)