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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2019

CORAM

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

H.C.P.No.2852 of 2019

F.Shakila Banu

... Petitioner

vs.

1.Union of India

Rep by The Deputy Director
Director of Enforcement
Chennai Zonal Office
2nd & 3rd Floor
Murugesanaigar Complex
No.84, Greams Road,
Chennai 600 006.

2. The Superintendent of Prison

Central Prison-2
Puzhal, Chennai.

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for issuance of Habeas Corpus directing the respondents to produce the petitioner's husband namely Mr.Mohamed Feroz S/o. Abdul Shukoor, under Trial prisoner, now confined in Central Prison-2, Puzhal, Chennai before this Court and to release him on leave for a period of five days in accordance with law.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.N.Ramesh
Senior panel counsel for R1
Mr.R.Prathap Kannan
Additional Public Prosecutor for R2



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ORDER

(Order of the Court made by R.Subbiah, J)

Petitioner has filed this Habeas Corpus Petition seeking direction to the respondents to produce the petitioner's husband namely Mr.Mohamed Feroz S/o. Abdul Shukoor, under Trial prisoner, now confined in Central Prison-2, Puzhal, Chennai before this Court and to release him on leave for a period of five days in accordance with law.

2. Heard the learned counsel for the petitioner and learned Additional Senior panel counsel for the first respondent as well as the learned Additional Public Prosecutor for the second respondent.

3. The petitioner is the wife of the under trial prisoner Mr.Mohamed Feroz. Her husband was arrested by the first respondent in connection with the case in F.NO.ECIR/CEZO/13/2017 and remanded to judicial custody. After filing the charge sheet, the case is now pending in C.C.No.2 of 2018, before the XII Additional Sessions Judge, CBI Cases, Chennai for trial.

3.While so, the grand mother of the prisoner Ms.Zubeth beevi, aged 74 died on 15.12.2019 at 4.50 pm due to illness and the funeral of the grand mother aforesaid is to be conducted on 16.12.2019 (today) at 6.00 P.M. and hence the petitioner has come forward with this petition seeking for the aforesaid relief.

4. Today, the detenu as well as the petitioner are present before this Court and we have enquired the parties.

5. This Court on considering the aforesaid circumstances disposes of the present petition with a direction to the second respondent to grant Parole to the detenu namely Mr.Mohamed Feroz S/o. Abdul Shukoor, under Trial prisoner, now confined in Central Prison-2, Puzhal, Chennai and release him by 4.00 pm with escort today so as to enable him to attend the funeral ceremony of his grand mother. The detenu is directed to report to the second respondent tomorrow (17.12.2019) at 5.00 pm and on being present, the second respondent shall confine him to custody.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



To

1. The Deputy Director
Union of India
Director of Enforcement
Chennai Zonal Office
2nd & 3rd Floor
Murugesanaigar Complex
No.84, Greams Road,
Chennai 600 006.
 2. The XII Additional Sessions Judge,
CBI Cases, Chennai.
 3. The Superintendent of Prison
Central Prison-2
Puzhal, Chennai.
 4. The Public Prosecutor,
High Court of Madras, Chennai.
- +1 cc to M/s.P.Pugalthi, Advocate Sr.No. 104445
+1 cc to Mr.N.Ramesh, Special Public Prosecutor,
Sr.No. 104472

AKM/16.12.19/3P-7C /

H.C.P.No.2852 of 2019