

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

H.C.P.Nos.2658 of 2018 & 640 of 2019

M.Dhandapani ... Petitioner in H.C.P.No.2658 of 2018

Mayilsamy ... Petitioner /Father of the detainee
in H.C.P.No.640/2019

Vs

The State rep.by its

1.The Secretary to Government of Tamil Nadu
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Additional Director General of Prison,
& I.G.Prisons,
Gandhi Irwin Road, Egmore,
Chennai-600 008.

3.The Superintendent,
Central Prison, Coimbatore.

Respondents in H.C.P.No.2658 of 2018

The State rep.by its

4.The Secretary to Government of Tamil Nadu
Department of Home,
Fort St.George,
Chennai-600 009.

5.The Additional Director General of Prison,
C.M.D.A.Towers,
Egmore, Chennai-600 008.

6.The Superintendent,
Central Prison, Coimbatore.

Respondents in H.C.P.No.640 of 2019

Prayer in H.C.P.No.2658 of 2018: Habeas Corpus Petition filed under Article 226 of the Constitution of India, directing the respondents to produce the petitioner namely, M.Dhandapani S/o Mayilsamy aged about 43 years, life convict No.257, confined in the Central Prison, Coimbatore before this Court.

Prayer in H.C.P.No.640 of 2019: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to direct the 1st respondent to grant ordinary leave for 30 days to the detenu, M.Dhandapani, S/o.Mayilsamy, aged about 43 years old, convict prisoner bearing Convict No.257, confined at Central Prison, Coimbatore.

For Petitioner
in H.C.P.No.2658 of 2018 : Mr.P.Pugalenth

For Petitioner
in H.C.P.No.640 of 2019 : Dr.S.Manoharan

For Respondents
in both petitions : Mr.C. Iyyappa Raj
Additional Public Prosecutor

COMMON ORDER

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

H.C.P.No.640 of 2019 is filed on behalf of the detenu by his father prays for grant of Ordinary Leave to the detenu for the purpose of his marriage and notice was ordered. When the matter was listed for hearing on 28.03.2019, the learned Government Advocate appearing for the State represented that no such marriage has been made arranged in the said Hall and therefore, the matter was adjourned to 29.03.2019 so as to enable the learned counsel for the petitioner to get instructions.

2. In H.C.P.No.2658 of 2018, the detenu prayed for premature release in the light of the Government Order in G.O.Ms.No.64 of the 1st respondent dated 01.02.2018 and it was also entertained with H.C.P.No.640 of 2019. When the matter was listed for hearing on 29.03.2019, it was represented that the detenu has committed suicide on 28.03.2019 and therefore, the Court has adjourned the matter on 03.04.2019, so as to enable the learned Government Advocate to get instructions. Today, both Habeas Corpus Petitions are listed before this Court. The respective learned counsel for the petitioner and the learned Additional Public prosecutor are present before this Court.

3. The learned Additional Public Prosecutor appearing for the State would submit that with regard to the suicide committed

by the detenu, a case in Cr.No.71 of 2019 was registered under Section 174 CrPC and the Inspector of Police, Dharapuram Taluk, Thiruppur Distrit has also traced the letter and addressed the same to the Superintendent of Central Prison, Coimbatore by submitting a special report as to the death of the detenu due to suicide.

4. The learned Government Advocate would submit that the enquiry with regard to registration of the case in Cr.No.71 of 2019 is under progress.

5. In the light of the demise of the detenu, on account of suicide, nothing remains for further adjudication in these Habeas Corpus Petitions. Accordingly, these Habeas Corpus Petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Secretary to Government of Tamil Nadu
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The Additional Director General of Prison,
& I.G.Prisons, Gandhi Irwin Road, Egmore,
Chennai-600 008.
- 3.The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor
High Court, Madras.
5. The Secretary to Government of Tamilnadu,
Department of Home,
Fort St.George,
Chennai-9

H.C.P.Nos.2658 of 2018 & 640 of 2019

VBA(CO)
GN(10/05/2019)