

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2020

CORAM

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

H.C.P.No.44 of 2020

U.Selvi

... Petitioner

Vs

The State represented by

1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort St. George,
Chennai - 600 009.

2.The Deputy Inspector of General of Prison,
Salem Zone, (Central Prison),
Salem.

3.The Superintendent,
Central Prison, Salem.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to grant ordinary leave for one month without escort to the detenu Udayakumar, aged about 57 years, S/o.Munusamy, Convict No.6996 at Central Prison, Salem.

For Petitioner : Ms.S.Lakshmi

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

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

The petitioner, who is the wife of the detenu Udayakumar, aged 57 years, S/o.Munusamy, Convict No.6996, confined at Central Prison, Salem, has filed the present petition seeking a

direction to the respondents to grant ordinary leave for one month without escort to her husband.

2.Learned counsel for petitioner submits that her husband, who has been in prison nearly for the past 10 years, was convicted and sentenced to undergo life imprisonment in S.C. No.116 of 2004 on the file of the Additional Sessions Judge and Fast Track Court, Dharmapuri. Since the mother of the detenu, aged 85 years is undergoing treatment for the past few years, the presence of the petitioner's husband/detenu is very much required to make arrangements. Hence, the petitioner has submitted a representation dated 16.12.2019 to the respondents praying to grant ordinary leave to her husband. As there is no positive reply from the respondents, the present petition has been filed seeking the aforesaid relief.

3.Learned Additional Public Prosecutor produced a report of the Probation Officer dated 21.01.2020 recommending for the leave.

4.Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents.

5.Considering the factual aspects, we are of the view that leave could be granted to the petitioner's husband for a period of two weeks. Accordingly, this Court directs as follows:

- (a)The third respondent is directed to release the life convict Udayakumar, aged 57 years, S/o.Munusamy, Convict No.6996, confined at Central Prison, Salem, on ordinary leave for a period of two weeks i.e., 01.02.2020 to 14.02.2020.
- (b)The life convict shall be released on 01.02.2020 at 10.00 a.m. and he shall be brought back to the Central Prison, Salem, on 14.02.2020 at 05.00 p.m.
- (c)The life convict shall report before the Pennagaram Police Station, Dharmapuri District, daily at 10.30 a.m. during the leave period.

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

Post 'for reporting compliance' on 17.02.2020.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort St. George,
Chennai - 600 009.

2.The Deputy Inspector of General of Prison,
Salem Zone, (Central Prison),
Salem.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.

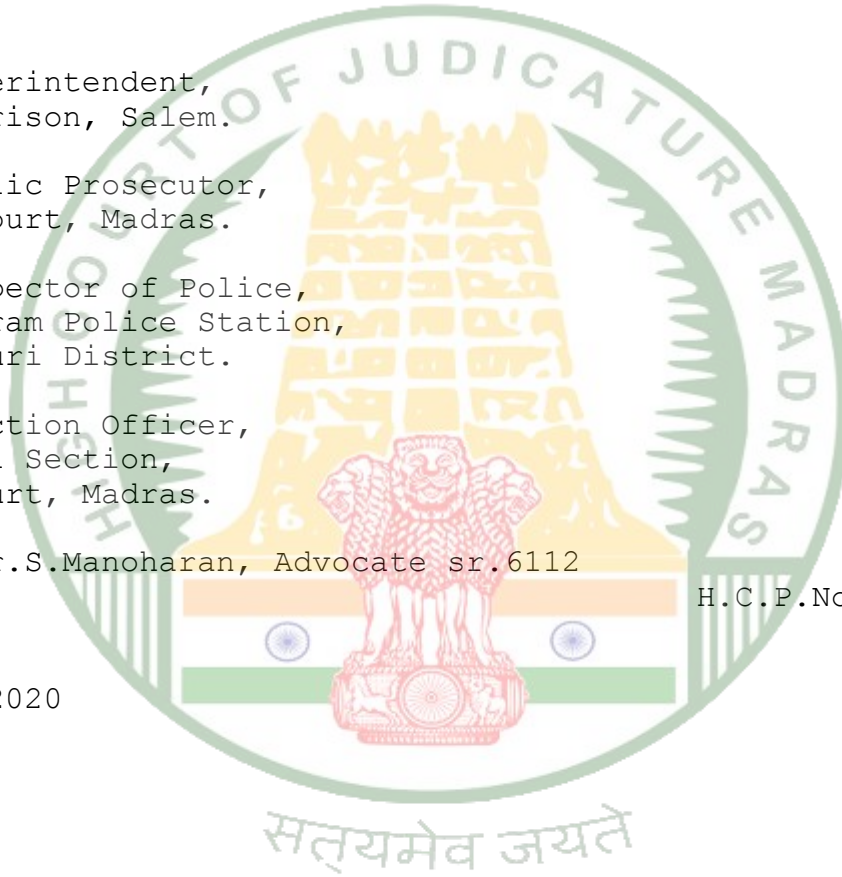
5.The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.

6. The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Dr.S.Manoharan, Advocate sr.6112

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