

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 11.02.2020

Orders Pronounced on : 14.02.2020

CORAM:

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

H.C.P.No.235 of 2020

A.H.Saleena

.. Petitioner/Wife of the Detenu

Vs.

The State represented by its

1. The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai-600 009.
2. The Additional Director General of Prison,
Egmore,
Chennai-600 008.
3. The Superintendent,
Central Prison,
Trichy.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to direct the respondents to grant ordinary leave for 30 days to the detenu A.M.Abdul Hakkim, aged about 37 years, S/o Abdul Majith, Convict No.22928 at Central Prison, Trichy.

For petitioner : Mrs.S.Lakshmi

For respondents: Mr.R.Prathap Kumar,
Additional Public Prosecutor

ORDER

R.SUBBIAH, J

This Habeas Corpus Petition is filed by the petitioner praying for issuance of a Writ of Habeas Corpus to direct the respondents to grant ordinary leave for 30 days to the detenu A.M.Abdul Hakkim, aged about 37 years, S/o Abdul Majith, Convict No.22928 at Central Prison, Trichy.

2. The petitioner is the wife of the detenu-A.M.Abdul Hakkim. He is a life convict prisoner bearing Convict No.22928 and had been in the prison for the past nearly 8 years. He was convicted and sentenced to undergo life imprisonment in S.C.No.214 of 2009 by judgment dated 23.09.2014 by the learned Sessions Judge, Mahila Court, Kovai. It is stated that the mother of the detenu died on 04.01.2020. The petitioner has come out of prison for funeral which was held on 05.01.2020. Thereafter, he returned back to the prison on the same day evening. It is further stated by the petitioner that after the funeral, the detenu has to do some rituals which will continue till 40th day as per Muslim customs and traditions. As son of his mother, the detenu has a duty to do all the death ceremonies for his mother and he has also to arrange money for the 40th day ceremony, which is to be held on 13.02.2020. In spite of representation dated 20.01.2020 being sent to the respondents through registered post and also the request made by her husband to the third respondent to grant leave, there is no reply from the respondents. Hence, she has filed the present Habeas Corpus Petition praying for grant of 30 days of leave to her husband, the detenu.

3. Heard both sides and perused the materials available on record.

4. Considering the fact that the detenu is a life convict, this Court is not inclined to grant leave for 30 days, instead, this Court is inclined to grant 3 days leave. Accordingly, the detenu (Life Convict No.22928) A.M.Abdul Hakkim is granted three days leave from 15.02.2020 to 17.02.2020 and he shall be released by the Jail Authorities/third respondent on 15.02.2020 on receipt of a copy of this order either by Fax or on production of a copy of this order by the petitioner, whichever is earlier. The respondents, during the period of leave, shall provide requisite escort/Police protection to the detenu in order to ensure safety and security of the detenu at the cost of the State. They shall also impose suitable conditions to that effect. The detenu shall also abide by the said conditions to be imposed by the authorities concerned. The detenu/convict shall be back to prison and surrender before the Jail Authorities positively on 17.02.2020 by 5 p.m. without fail.

5. With the above observations and directions, the Habeas Corpus Petition is disposed of.

6. Registry is directed to forward a copy of this order by Fax to the third respondent/Superintendent, Central Prison, Trichy, where the detenu is presently incarcerated.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar
cs

(i)Registry is directed to forward a copy of this order by Fax to the third respondent/Superintendent, Central Prison, Trichy, where the detenu is presently incarcerated.

To

1. The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George, Chennai-600 009.
 2. The Additional Director General of Prison,
Egmore, Chennai-600 008.
 3. The Superintendent,
Central Prison, Trichy.
 - 4.The Public Prosecutor, High Court, Madras.
- +1 CC to Dr.S. Manoharan, Advocate sr 12080.

सत्यमेव जयते

H.C.P.No.235 of 2020

CA(CO)
SP(14/02/2020)

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