

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA
H.C.P.No.282 of 2020

Mr.P.Vasantha Kumar @ Vasanth (Male/36),
S/o.Parameshwaran,
Life Convict Prisoner - C.T.No.2452,
Puzhal Central Prison - I.

... Petitioner

Vs

- 1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Additional Director General of Prison
and Inspector General of Prison,
Whannels Road, Egmore,
Chennai - 600 008.
- 3.The Superintendent of Prison,
Puzhal Central Prison - I,
Puzhal.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing the respondents to grant one month leave without escort to the detenu namely P.Vasantha Kumar @ Vasanth S/o.Parameshwaran (Life Convict Prisoner C.T.No.2452) now confined in Central Prison, Puzhal - I and set aside the impugned order in No.14199/T.K.2/2019 dated on 20.12.2019 passed by the 3rd respondent.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondents 1 & 3: Mr.R.Prathap Kumar, Additional
Public Prosecutor.

For Respondent 2 : Mr.K.Sridevi

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The petitioner is the detenu who was convicted and sentenced to undergo life time imprisonment by Judgment dated 30.03.2009 made in S.C.No.439 of 2007 and he is in jail for the past eleven years. The petitioner has given a representation to the third respondent to grant ordinary leave for a period of 30 days. However, the same was rejected. Challenging the said order, the present petition has been filed.

2.Heard Mr.M.Mohamed Saifulla, learned Counsel for the petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor for respondents and this Court also perused the materials on record.

3.Mr.R.Prathap Kumar, learned Additional Public Prosecutor for the respondents has opposed the petition on the ground that he has already been granted parole. Moreover, even if he is released on parole, he should be sent with police escort. However, Mr.M.Mohamed Saifulla, learned Counsel for the petitioner would submit that he has been released on parole earlier by the Jail authorities themselves without police escort and hence, similar order may be passed.

4.On verification, the learned Additional Public Prosecutor submitted that the petitioner was released earlier on parole for a period of ten days by the jail authorities without police escort. Taking into consideration of the earlier release of the petitioner without police escort, this Court is inclined to grant ten days ordinary leave to the petitioner viz., P.Vasantha Kumar @ Vasanth S/o.Parameshwaran (Life Convict Prisoner C.T.No.2452) now confined in Central Prison, Puzhal - I without police escort commencing from 05.03.2020 to 14.03.2020. The detenu shall be released at 11 a.m. on 05.03.2020 and he shall return back to prison on 14.03.2020 at 6 p.m. During the said period, the petitioner shall appear before the Vanoor Police Station, Villupuram, everyday at 5 p.m.

5.In the result, this petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Additional Director General of Prison
and Inspector General of Prison,
Whannels Road, Egmore,
Chennai - 600 008.
- 3.The Superintendent of Prison,
Puzhal Central Prison - I,
Puzhal.

+1cc to Mr.M.Mohamed Saifulla, Advocate sr.18630

H.C.P.No.282 of 2020

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nr 04/03/2020

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