

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

CORAM

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

H.C.P.No.276 of 2020

S.Roja

... Petitioner/Mother of the detenu

Vs

1.State by the Deputy Inspector General of Prison,
Vellore Range, Vellore-2.

2.The Superintendent of Prison,
Central Prison, Vellore.

... Respondents

Prayer: Writ 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 30 days to petitioner's son namely, S.Silambarasan, S/o.Saravanan, aged 26 years, Convict Prisoner, Ct No.2470 now confined in Central Prison, Vellore.

For Petitioner : Ms.S.Nadhiya

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 mother of the life convict viz., S.Silambarasan, S/o.Saravanan, aged 26 years, Convict Prisoner, Ct No.2470 now confined in Central Prison, Vellore, has filed the present petition seeking a direction to the respondents to grant ordinary leave for 30 days to her son.

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

3. Learned counsel for the petitioner submits that the petitioner's son has been arrested by the Morappur Police in Crime No.135/2012 under Sections 376 and 306 IPC and he was convicted by the learned Mahila Judge, Dharmapuri in S.C. No.290 of 2014 and presently, he is confined at Central Prison, Vellore. He has been in prison for the past 4 years. Learned counsel for the petitioner would further submit that as the marriage of the detenu's younger brother namely, Kalaiyarasan is scheduled to be held on 07.02.2020, the presence of the detenu is very much necessary. Since no action was taken by the respondents, the present petition has been filed seeking the aforesaid relief.

4. Learned Additional Public Prosecutor appearing for the respondents confirms the submission made by the learned counsel appearing for the petitioner.

5. This Court, considering the genuine reason for seeking leave, is of the view that leave could be granted to the petitioner's son/life convict for a period of five days. Accordingly, this Court directs as follows:

- (a) Respondents are directed to release the life convict viz., S.Silambarasan, S/o.Saravanan, aged 26 years, Convict Prisoner, Ct No.2470, now confined in Central Prison, Vellore, on ordinary leave for a period of five days i.e., from 06.02.2020 to 10.02.2020.
- (b) The life convict shall be released on 06.02.2020 at 10.00 a.m. and he shall be brought back to the Central Prison, Vellore, on 10.02.2020 at 05.00 p.m.
- (c) Respondents are directed to follow the procedures prescribed in the prison manual for ensuring the safety and providing necessary security and minimum escort facilities to the life convict during the period of leave.

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

Post 'for reporting compliance' on 12.02.2020.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Deputy Inspector General of Prison,
Vellore Range, Vellore-2.

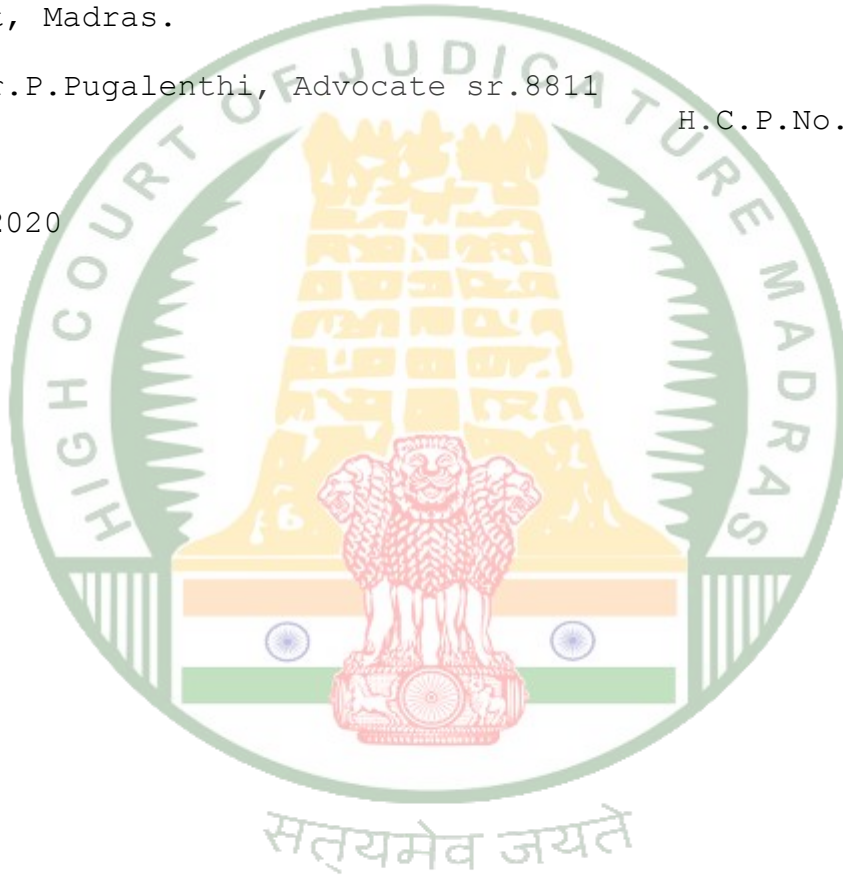
2.The Superintendent of Prison,
Central Prison, Vellore.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Pugalenthir, Advocate sr.8811

H.C.P.No.276 of 2020

mr(co)
nr 05/02/2020



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