

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.03.2020
CORAM
THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA
H.C.P. No. 562 of 2020

Mrs. Selvi

..Petitioner

Vs.

1. The Home Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai.
2. The Superintendent of Police,
Central Prison II, Puzhal
Chennai.
3. The Inspector of Police,
Vyasarpadi Police Station,
Chennai.

(Respondents 2 & 3 suo motu impleaded by
this Court vide order dated 10.03.2020)

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Habeas Corpus directing the respondents to consider the petitioner's representation on 02.03.2020 and grant parole for 5 days to the petitioner's son namely, Mr.Selva Kumar (Remand Prisoner) aged about 32 years, now confined in the Central Prison II, Puzhal, Chennai before this Court and further directing the respondents to consider him immediately for parole and for consequential orders.

For Petitioner :: Mr.R. Deva Kumar

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

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

The petitioner, who is the mother of the detenu, has come forward with the Habeas Corpus Petition to direct the respondents to consider her representation dated 02.03.2020 and grant parole for 5 days to the detenu namely, Mr.Selva Kumar (Remand Prisoner) aged about 32 years, now confined in Central Prison II, Puzhal, Chennai.

2. The petitioner's son, who is a remand prisoner is accused of two murder cases, one case under NDPS act and many other cases in different Police Stations. Apart from that, he is a history sheeter. Since the petitioner's daughter/sister of the detenu is getting married and reception is to be celebrated on 11.03.2020, the petitioner seeks permission to release her son for five days and a representation in this regard was given by the petitioner on 02.03.2020.

3. Heard the learned counsel for the petitioner.

4. Mr.R. Prathap Kumar, learned Additional Public Prosecutor would submit that the petitioner's son is charged with serious offences and he is a history-sheeted rowdy. In such circumstances, it may not be possible to grant permission. However, he has confirmed the celebration of reception of the petitioner's daughter on 11.03.2020.

5. Though the detenu is a notorious offender having two murder cases to his credit and other criminal cases and he is not entitled to any relief on equity, however, considering the fact that a sister would be expecting her brother to attend her marriage reception celebration, this Court is inclined to grant permission to the petitioner's son/detenu, who is detained as a remand prisoner, to be released on parole.

6. Accordingly, the petitioner's son/detenu namely, Mr. Selvakumar (Remand Prisoner), S/o. Elumalai, aged about 32 years, who is now confined in Central Prison II, Puzhal Chennai shall be released at 6a.m. on 11.03.2020 and he shall be brought back to the prison at 10a.m. on 12.03.2020 with police escort.

7. The Jail Authorities during the said period, shall provide proper escort to the detenu, in order to ensure his safety and security. They shall also impose suitable conditions to that effect and the detenu should also abide by the conditions to be imposed by the authorities concerned.

8. With the above direction, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

nv

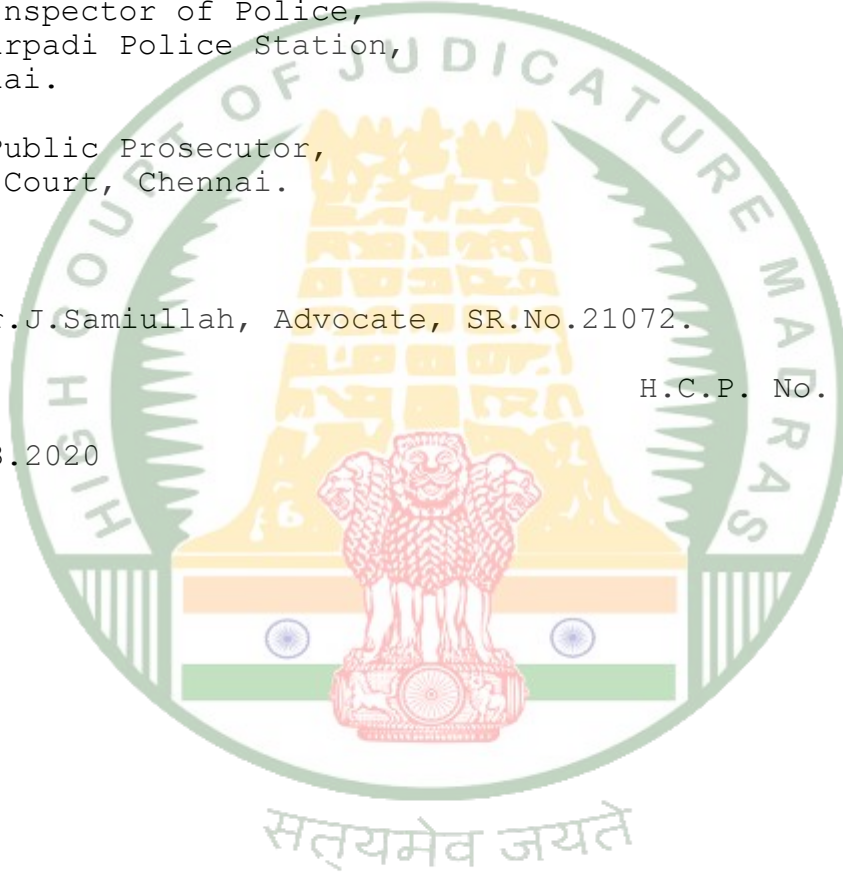
To

1. The Home Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai.
2. The Superintendent of Police,
Central Prison II, Puzhal
Chennai.
3. The Inspector of Police,
Vyasarpadi Police Station,
Chennai.
4. The Public Prosecutor,
High Court, Chennai.

+2cc to Mr.J.Samiullah, Advocate, SR.No.21072.

H.C.P. No. 562 of 2020

SJ(CO)
CSR: 10.03.2020



WEB COPY