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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.600 of 2020

Veembu, aged 45 years
W/o.Senthil Kumar
No.1/24, Nadu Veedhi street
Pethankuppam
Aalappakkam
Cuddalore District.

... Petitioner/Wife of
the detenu

Vs

1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai-600 009.

2.The Deputy Inspector General of Police
Vellore Range, Vellore-2.

3.The Superintendent of Prison
Central Prison, Cuddalore.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus directing the respondents to release the petitioner's husband namely, Senthilkumar, S/o.Selvaraj, aged 46 years, Convict Prisoner No.14681, now confined in the Central Prison, Cuddalore, on ordinary leave for one month.

For Petitioner : Mr.P.Pugalenth

For Respondents: Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

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

The matter was heard through "Video Conferencing".



2.The petitioner's husband has been sentenced for life in Crime No.307 of 1992 under the provisions of TADA Act for having blasted a railway track. Luckily, at that time, there was no train and therefore, thousands of lives were saved. The convict has been under incarceration from 26.07.2012 onwards. The learned counsel for the petitioner would submit that the convict is seeking leave for making arrangement of funds for his daughter, who is studying medicine at Melmaruvathur. In this regard, the petitioner has made a representation on 10.10.2019 seeking 30 days ordinary leave. Since no order has been passed, the petitioner has come before this Court.

3.Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondents would submit that the representation given by the petitioner was already rejected on 08.06.2020.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

5.The petitioner's husband has been in jail for the past eight years. Even as per the prosecutor, he has not availed ordinary leave. It is a fact that the convict has got four children and one daughter is studying medicine in a private college at Melmaruvathur. Definitely, he has to spend money and necessarily, he has to make arrangements for funds. Therefore, the petitioner prays for leave.

6.It is seen from the records that emergency leave has already been granted 24 times without police escort. Though the probationary officer's report is against granting of leave, taking into consideration that the petitioner was released 24 times without any escort and without any problem he has returned to the jail, this Court is convinced with the reasons given in the petition.

7.In view of the above said circumstance, this Court is inclined to grant parole to the convict from 07.08.2020 to 05.09.2020. Accordingly, the convict viz., Senthilkumar, S/o.Selvaraj, aged 46 years, Convict Prisoner No.14681, now confined in the Central Prison, Cuddalore, shall be released from the prison on 07.08.2020 without escort and he shall surrender before the prison authorities at 5.00 p.m. on 05.09.2020. This petition is ordered accordingly.



For Reporting Compliance, post the matter on 07.09.2020.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai-600 009.
- 2.The Deputy Inspector General of Police
Vellore Range, Vellore-2.
- 3.The Superintendent of Prison
Central Prison, Cuddalore.
- 4.The Public Prosecutor
High Court, Chennai.

Copy to

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

H.C.P.No.600 of 2020

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srg 14/08/2020