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In the High Court of Judicature at Madras

Dated : 08.4.2020

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM

and

The Honourable Mr. Justice K.KALYANASUNDARAM

Habeas Corpus Petition No.693 of 2020

Asha Kannan

...Petitioner

Vs

1.The Additional Director General
Of Prisons, Egmore, Chennai-8.

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

...Respondents

PETITION under Article 226 of The Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to release the detenu Kannan (Convict No.3160), S/O Sivalingam to be granted parole for a period of 90 days.

For Petitioner : Mr.E.Raj Thilak

For Respondents : Mr.R.Pratap Kumar, APP

Order of the Court was made by T.S.SIVAGNANAM, J

The petitioner is the wife of the detenu, who has been convicted in SC.No.1 of 2017 on the file of the Principal Sessions Court, Vellore by judgment dated 09.3.2018 and at present, he is lodged in the Central Prison, Vellore.

2. The petitioner would state that the health condition of the detenu is deteriorating and that the Government doctors, who examined his health condition, found that he has developed coronary block. Therefore, the petitioner seeks parole to the detenu for a period of 90 days.

3. It is admitted by the petitioner that as against the conviction, a criminal appeal in Crl.A.No.227 of 2018 is pending before this Court. That being the factual position, the appropriate procedure to be followed by the detenu is to move a petition in the said criminal appeal and for such purpose, a habeas corpus petition cannot be entertained.

4. In the light of the above, while dismissing this petition, liberty is granted to the detenu to file an



appropriate petition in the said criminal appeal duly supported by records, which will be considered in accordance with law.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Additional Director General of Prisons,
Egmore, Chennai-8.
- 2.The Superintendent of Prison,
Central Prison, Vellore.

HCP.No.693 of 2020

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srg 01/07/2020