

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM :

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

H.C.P.No.1212 of 2020

Lakshmi, 60 years,
W/o. Perumal,
Devendrakula Theru,
Ammapalayam Village,
Perambalur Taluk,
Perambalur District.

... Petitioner / Mother of the
detenue

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.

2.The Additional Director
General of Prisons,
Egmore, Chennai - 600 008.

3.The Superintendent of Central Prison,
Central Prison, Salem,
Salem District.

... 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 to the
petitioner's son Azhagiri, son of Perumal, aged about 34 years
now confined in Central Prison, Salem on humane consideration to
secure the ends of justice.

For Petitioner : Mr.R.Sankara Subbu

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 is heard through "Video Conferencing".

2.The petitioner's son has been convicted for life imprisonment. The present petition has been filed seeking one month leave stating that the convict's father is seriously ill due to kidney problem.

3.Heard Mr.R.Sankara Subbu, learned counsel appearing for the petitioner as well as Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondents.

4.The medical certificate of the father of the convict, dated 08.07.2020, reads as follows:

"57 years old male Mr.Perumal, a known case of diabetes mellitus, systemic hypertension, diabetic kidney disease, dyslipidemia. He is under treatment for past six to eight months. Currently, his disease status is under control with effective life style modification and drugs."

The aforesaid certificate does not reveal any serious nature of disease suffered by the petitioner's husband and the convict's father and the disease is under effective control because of medication.

5.That apart, the son of the petitioner has already been convicted in four cases, details of which are extracted hereunder:

Sl.No	Police Station and Crime No.	Court
1.	Perambalur Police Station, Crime No.455/2019 under Sections 392 read with 397 IPC and 2(1) of Arms Act	Judicial Magistrate, Perambalur
2.	Perambalur Police Station Crime No.425/2018 under Sections 147, 341, 365, 324, 302, 120(b) IPC read with 34 IPC	Principal District Judge, Perambalur (S.C.No.43/2019)
3.	Perambalur Police Station Crime No.727/2017 under Section 294(b), 387, 398, 506(ii) IPC	Assistant Sessions Judge, Perambalur (S.C.No.32/2019)

Sl.No	Police Station and Crime No.	Court
4.	Perambalur Police Station, Crime No.1075/2016 under Sections 147, 148, 324, 506(ii), 307 IPC	Assistant Sessions Judge, Perambalur (S.C.No.31/2019)

The above cases are serious in nature; one case is under Arms Act and one case is under Section 302 IPC. If the convict is released, definitely the pending cases would be seriously affected and there is every likelihood of the convict threatening the witnesses. Therefore, this Court is not inclined to grant the prayer sought for by the petitioner. Accordingly, this petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
State of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.
- 2.The Additional Director
General of Prisons,
Egmore, Chennai - 600 008.
- 3.The Superintendent of Central Prison,
Central Prison, Salem,
Salem District.
- 4.The Public Prosecutor
High Court, Chennai.
- 5.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

H.C.P.No.1212 of 2020

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srg 24/09/2020