

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MR. JUSTICE P. VELMURUGAN

H.C.P. No. 1428 of 2020

Periyanayaki ..Petitioner/sister of the
W/o. Vellaisamy detenu

Vs.

The State represented by its

1. The Secretary to Govt. of Tamil Nadu,
Department of Home, Fort St. George,
Chennai - 600 009.
2. The Additional Director General of Prison,
CMDA Towers, Egmore,
Chennai - 600 008.
3. The Deputy Inspector General of Prison,
Kovai Zone, Central Prison,
Coimbatore.
4. The Superintendent,
Central Prison, Coimbatore. ..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to direct the respondents to grant ordinary leave for 60 days to the detenu, Rajalingam S/o. Kasinathan, aged about 42 years old, convict prisoner bearing Convict No. 14249 confined at Central Prison, Coimbatore.

For Petitioner : Ms.S.G. Vedha
For Respondents: Mr.R. Prathapkumar,
Addl. 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 who is the younger sister of the convict has sought 60 days ordinary leave for her brother as their mother is suffering from cancer and there is no one to look after her.

3.Heard Ms.S.G. Vedha, learned counsel appearing on behalf of the petitioner as well as Mr.R. Prathapkumar, learned Additional Public Prosecutor appearing on behalf of the respondents.

4.A perusal of the Probation Officer's report dated 26.08.2020 would reveal that the petitioner's mother is suffering from cancer and she has been regularly taking treatment. However, at present, she is unable to travel to Chennai and take treatment and there is no one to look after her.

5. In view of the Probation Officer's report dated 26.08.2020 and considering the health condition of the mother of the convict prisoner, this Court is inclined to grant 3 weeks ordinary leave to the convict commencing from 18.09.2020 to 09.10.2020 and the convict, Rajalingam S/o. Kasinathan, aged about 42 years old, bearing Convict No. 14249 confined at Central Prison, Coimbatore, shall be released from the prison on 18.09.2020 at 11.00 a.m, without escort and he shall surrender before the prison authorities at 5.00 P.M. on 09.10.2020.

6. Even though the learned Additional Public Prosecutor would oppose the grant of leave without any escort, the Probation Officer's report does not reflect any adverse condition or adverse effect of the convict being released from the prison without escort. Hence, as stated above, three weeks leave is granted without escort.

7. However, during the leave period, the convict shall report before the respondent Police, on every Monday and Friday, at about 11.00 a.m. Accordingly, this petition is ordered.

Call the matter for reporting compliance on 12.10.2020.

-s/d-

Assistant Registrar (CS-IV)

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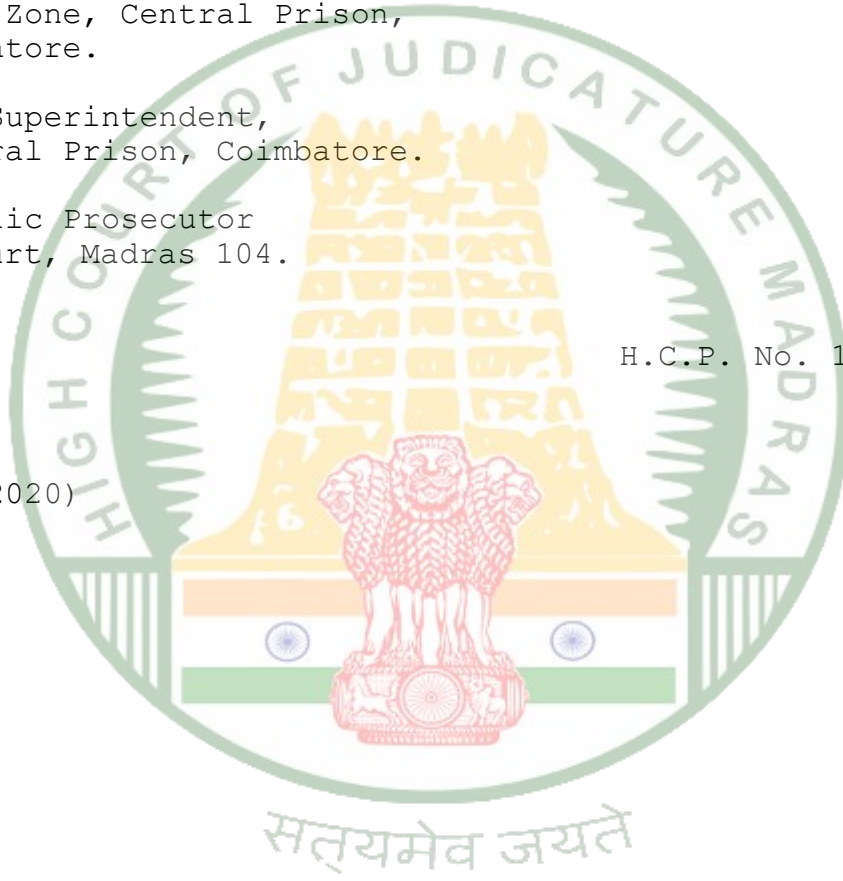
Sub-Assistant Registrar

To

1. The Secretary to Govt. of Tamil Nadu,
Department of Home, Fort St. George,
Chennai - 600 009.
2. The Additional Director General of Prison,
CMDA Towers, Egmore,
Chennai - 600 008.
3. The Deputy Inspector General of Prison,
Kovai Zone, Central Prison,
Coimbatore.
4. The Superintendent,
Central Prison, Coimbatore.
5. The Public Prosecutor
High Court, Madras 104.

H.C.P. No. 1428 of 2020

SSV(CO)
SP(18/09/2020)



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