

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1457 of 2020

Priyadharshini

... Petitioner

vs

The State Represented by its

1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort St.George, Chennai - 09.

2.The Additional Director General of Prison
CMDA Towers,
Egmore, Chennai - 08.

3.The Deputy Inspector General of Prison,
Kovai Zone,
Central Prison, Salem.

4.The Superintendent,
Central Prison, Salem.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus directing the respondents to grant leave for 30 days without escort to the detenu Selvam, S/o. Lenin Baikyasmay, aged about 58 years, Convict No. 6923, detained at Central Prison, Salem.

For Petitioner : Mr.S.Lakshmi

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

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Seeking a direction to the respondents to grant leave for 30 days without escort to the detenu Selvam, S/o. Lenin Baikyasmay, aged about 58 years, Convict No. 6923, detained at Central Prison, Salem, this petition has been filed by the daughter of the convict.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. Learned counsel appearing for the petitioner submitted that the mother of the petitioner, who is the wife of the convict is suffering from renal failure. On the earlier occasion, the convict complied with the conditions and returned to the prison. He has been under incarceration for nearly fourteen years. Thus, the petition will have to be allowed.

4. Learned Additional Public Prosecutor, on instructions, submitted that the Probation Officer's report indicates that the ailments made in the affidavit are true.

5. Considering the above, particularly the reasons assigned are not disputed, we are inclined to grant 10 days leave to the convict without escort. The convict shall be released on 12.10.2020 at 10.00 a.m. and he shall return back to the prison on 21.10.2020 at 5.00 p.m. During the leave period, the convict shall report before the Karungalpalayam Police Station daily at 5.00 p.m.

6. The habeas corpus petition stands disposed of accordingly.

Post the matter 'for reporting compliance' on 28.10.2020.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mml/ssm

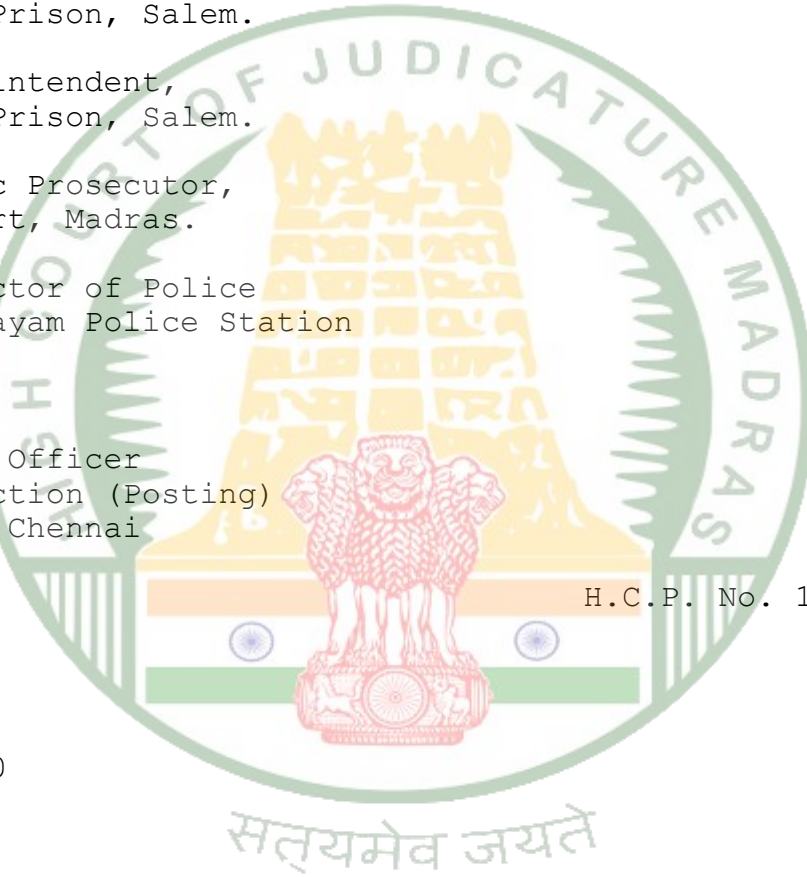
To

- 1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort St.George, Chennai - 09.
- 2.The Additional Director General of Prison
CMDA Towers,
Egmore, Chennai - 08.
- 3.The Deputy Inspector General of Prison,
Kovai Zone,
Central Prison, Salem.
- 4.The Superintendent,
Central Prison, Salem.
- 5.The Public Prosecutor,
High Court, Madras.
- 6.The Inspector of Police
Karungalpalayam Police Station
Salem

copy to
The Section Officer
Criminal Section (Posting)
High Court, Chennai

H.C.P. No. 1457 of 2020

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