

BIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM :

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

H.C.P.No.1534 of 2020

Mr.Parameshwaran

... Petitioner

Vs

1.The Home Secretary (Prison),
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Additional Director General of Prison
and Inspector General of Prison,
Whannels Road,
Egmore, Chennai - 600 008.

3.The Deputy Inspector of General (Chennai Range),
Office of the DIG of Prison,
Egmore, Chennai - 008.

4.The Superintendent of Prison,
Puzhal Central Prison - I (Convict prison),
Puzhal - 600 066.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus directing to set aside the impugned order in No.646/m.u./2020 dated on 06.06.2020 passed by the 3rd respondent and direct the respondents to grant one month leave without escort to the detenu namely P.Vasanth Kumar @ Vasanth S/o.Parameshwaran (Life Convict prisoner CT No.2452) now confined in Central Prison, Puzhal - I.

For Petitioner : Mr.M.Mohamed Saifulla.

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

O R D E R

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

The matter was heard through "Video Conference".

2.The father of the life convict viz., P.Vasantha Kumar @ Vasanth S/o.Parameshwaran has filed this petition seeking thirty days leave for his son so as to enable him to arrange funds for the surgery of the convict's wife.

3.Heard Mr.M.Mohamed Saifulla, learned Counsel appearing for the Petitioner and Mr. R. Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.When the matter is called today, report of the probation officer dated 21.09.2020 has been filed which would also confirm that the convict's wife is suffering from a disease and she needs to undergo a surgery. Even though the learned Additional Public Prosecutor opposed the granting of leave stating that the previous ordinary leave has been availed by the convict only in the month of March in the year 2019 and as per Rule No.22(3) of Tamil Nadu Suspension of Sentence Rules, 1982, prisoner should complete two years imprisonment from the date of his last ordinary leave availed, this Court is convinced that the convict is entitled for emergency leave for the surgery of his wife. Hence, this Court is inclined to grant four weeks emergency leave to the convict.

***5.Accordingly, the convict viz., P.Vasantha Kumar @ Vasanth S/o.Parameshwaran (Life Convict prisoner CT No.2452) now confined in Central Prison, Puzhal - I is directed to be released on 01.10.2020 at 11.00 A.M. without police escort and the Convict is directed to surrender before the prison authorities on 28.10.2020 at 05.00 P.M. During the said leave period, the convict shall report before the concerned jurisdictional Police Station every Monday at 11.00 A.M.**

6.In the result, the impugned order No.646/m.u./2020 dated on 06.06.2020 passed by the third respondent is hereby set aside and this Petition is allowed. Post the matter for reporting compliance on 29.10.2020.

-s/d-

Assistant Registrar(CO)

Dated: 01.10.2020

*** Replaced as per the order of this order for being Mentioned dated 15.10.2020 made in H.C.P.No.1534/2020.**

Sd/- Assistant Registrar(CO)

Dated: 16.10.2020

True Copy

Sub-Assistant Registrar

To

1.The Home Secretary (Prison),
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Additional Director General of Prison
and Inspector General of Prison,
Whannels Road,
Egmore, Chennai - 600 008.

3.The Deputy Inspector of General (Chennai Range),
Office of the DIG of Prison,
Egmore, Chennai - 008.

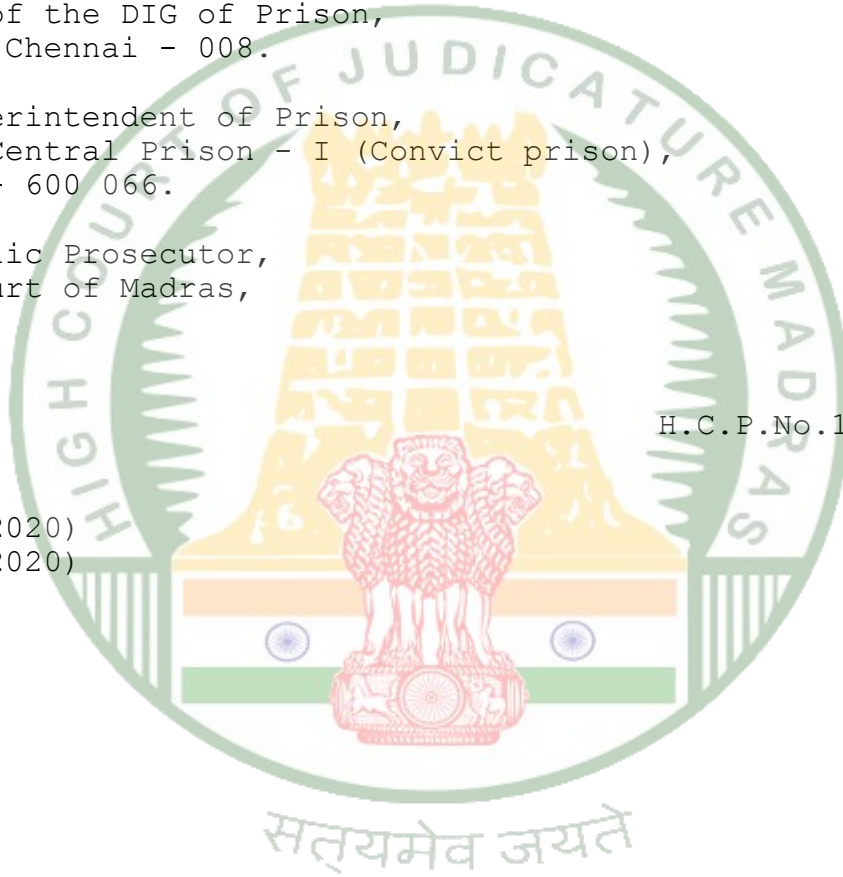
4.The Superintendent of Prison,
Puzhal Central Prison - I (Convict prison),
Puzhal - 600 066.

5.The Public Prosecutor,
High Court of Madras,
Chennai.

To be substituted
to the order already
despatched on
05.10.2020

H.C.P.No.1534 of 2020

MG(CO)
SP(01/10/2020)
SP(16/10/2020)



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