

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. 1589 of 2020

S.Siva Pandiyan

... Petitioner

vs

1.The State Rep by its  
Home Secretary(Prisons),  
Home Department, Secretariat,  
Fort St.George, Chennai - 09.

2.The Director General of Prison  
and Inspector General of Prison,  
Whannels Road,  
Egmore, Chennai - 08.

3.The Deputy Inspector General of  
Prisons (Chennai Range),  
Office of the DIG (Range),  
Whannels Road, Egmore,  
Chennai - 08.

4.The Superintendent of Prison,  
Puzhal Central Prison - I,  
Puzhal - 600 066.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus directing the respondents to grant one month leave without escort to the convict namely Mr.S.Ilamparuthi, S/o.Late Selvaraj (C.T.No.6923) now confined in Puzhal Central Prison - I (Convict).

For Petitioner : Mr.M.Mohamed Saifulla

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

ORDER

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

The petitioner is the brother of the convict having been made to undergo ten years rigorous imprisonment. The convict has already underwent six years and one month as of now. Now, the present habeas corpus petition has been filed seeking one month leave to attend to the ailing mother.

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

3.Learned Additional Public Prosecutor, placing reliance upon the report filed of the Probation Officer, submitted that though the mother of the convict underwent surgery in the year 2018, she continues to take medication at home.

4.The fundamental facts are not in dispute. The convict underwent six years of incarceration already. He was granted emergency leave on three occasions earlier. The conditions imposed were complied with. The mother of the convict underwent surgery in the year 2018 and thereafter taking treatment.

5. Considering the above, we are inclined to grant 30 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 10.11.2020 at 5.00 p.m. During the leave period, the convict shall report before the Usilampatti Town Police Station, Madurai, daily at 5.00 p.m.

6. The habeas corpus petition stands disposed of.

Post the matter 'for reporting compliance' on 11.11.2020.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

WEB COPY

Sub Assistant Registrar

mmi/ssm

To

- 1.The State Rep by its  
Home Secretary(Prisons),  
Home Department, Secretariat,  
Fort St.George, Chennai - 09.
- 2.The Director General of Prison  
and Inspector General of Prison,  
Whannels Road,  
Egmore, Chennai - 08.
- 3.The Deputy Inspector General of  
Prisons (Chennai Range),  
Office of the DIG (Range),  
Whannels Road, Egmore,  
Chennai - 08.
- 4.The Superintendent of Prison,  
Puzhal Central Prison - I,  
Puzhal - 600 066.
- 5.The Public Prosecutor,  
High Court, Madras.
6. The Inspector of Police,  
Usilampatti Town Police Station,  
Madurai.

Copy To

The Section Officer,  
Criminal Section(Posting),  
High Court, Madras.

H.C.P. No. 1589 of 2020

PP(CO)  
GN(12/10/2020)

WEB COPY