

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM

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

H.C.P.No. 1605 of 2020

Noorjahan

..Petitioner

Vs.

The State represented by its

1. The Secretary to Govt. Of Tamil Nadu,
Home Department, Fort St. George,
Chennai - 600 009.
2. The Deputy Inspector General of Prison,
Kovai Zone (Central Prison),
Kovai.
3. The Superintendent,
Central Prison, Kovai.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Habeas Corpus directing the respondents to grant ordinary leave for two months without escort to the detenu L.M.Hakkim, S/o. L.K. Masjid aged about 41 years, Convict No. 10680 at Central Prison, Coimbatore.

For Petitioner :: Ms.S.Lakshmi

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

WEB COPY
O R D E R

(Order of the Court was made by N. KIRUBAKARAN, J.)
The matter is heard through videoconferencing.

2. The Habeas Corpus Petition has been filed seeking a direction to the respondents to grant two months leave without escort to the life convict viz., L.M. Hakkim, S/o. L.K. Masjid, aged about 41 years, Convict No. 10680, presently confined at Central Prison, Coimbatore, for him to get married.

3. When the matter came up on the last occasion, this Court had a doubt whether the bride had given her consent for the marriage out of free will or through coercion. Therefore, this Court, on 16.09.2020, passed the following order:

"2. To ascertain as to whether the girl is willing and knowing the consequences, consented to get marry the life convict, a Social Welfare Officer in Coimbatore is directed to go along with a lady officer in the rank of Assistant Commissioner of Police or Deputy Commissioner of Police nominated by the Commissioner of Police, Coimbatore to the girl's residence viz., Bismi Colony, Mayilkal, Coimbatore and enquire the said girl in person independently as to whether her consent has been obtained without any force or coercion and whether she, herself has consented to marry the life convict and file a report on the next hearing."

4. When the matter is called today, it is stated that the Deputy Commissioner of Police, Crime, Coimbatore City, based on the instructions given by the Commissioner of Police, Coimbatore City, along with District Social Welfare Officer, Coimbatore District, had visited the bride and ascertained as to whether her consent had been obtained for the marriage and whether she is ready and willing to get married to a person, who is a life convict.

5. The statement obtained from the girl has been filed before this Court, duly signed by her, wherein she has stated that she knows that the person whom she is going to marry is a life convict and having knowledge about the same, she has consented for the marriage to be conducted on 20.09.2020.

6. From the above statement given by the girl, it is clear that, on her own volition, without any compulsion, she is getting married to the convict on 20.09.2020.

7. Therefore, this Court is inclined to grant 30 days leave to the convict commencing from today, ie., 18.09.2020 to 17.10.2020 and the convict viz., L.M. Hakkim, S/o. L.K. Masjid, aged about 41 years, Convict No. 10680, presently confined at Central Prison, Coimbatore, shall be released from the prison forthwith with sufficient escort and he shall surrender before the prison authorities at 5.00 P.M. on 17.10.2020.

8. The HCP is ordered accordingly. Call the matter for reporting compliance on 19.10.2020.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv

To

1.The Secretary to Govt. Of Tamil Nadu,
Home Department, Fort St. George,
Chennai - 600 009.

2.The Deputy Inspector General of Prison,
Kovai Zone (Central Prison),
Kovai.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

5.The Section Officer,
Criminal Section,
High Court of Madras.



H.C.P. No. 1605 of 2020

SPD (CO)
KKV/21/09/2020

WEB COPY