

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

Coram

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

H.C.P. No.1636 of 2020

Evelyn Genela ... Petitioner

vs

1.The State rep. by its
Home Secretary (Prison),
Secretariat, Fort St.George,
Chennai - 09.

2.The Director General of Prisons
and Inspector General of Prisons,
No.2, Whannels Road, Egmore,
Chennai - 08.

3.The Superintendent of Prison,
Coimbatore Central Prison,
Gandhipuram,
Coimbatore - 641 012.

4.The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus directing the respondents to consider one month leave to the detenu/husband of the petitioner namely Selvam, S/o.Chinnathurai (C.T.No.22376) who is detained in Central Prison at Coimbatore.

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.]

Seeking a direction to the respondents to consider granting one month leave to the detenu/husband of the petitioner namely Selvam, S/o.Chinnathurai (C.T.No.22376) who is detained in Central Prison at Coimbatore, the present habeas corpus petition has been filed by the wife of the detenu.

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

3. After making the submissions on merit, the learned counsel appearing for the petitioner submitted that it would be suffice if the second respondent is directed to consider the pending representations dated 01.04.2020 and 03.06.2020.

4. Though the learned Additional Public Prosecutor produced the materials to the effect that the request made by petitioner cannot be considered, taking into consideration the limited prayer sought for, we direct the second respondent to consider the same and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The said decision will have to be intimated to the petitioner after the same is complied with. We make it clear that we have not expressed anything on the merits of the case and, therefore, it is for the second respondent to consider the representation on its own merits and in accordance with law.

5. This Habeas Corpus Petition stands disposed of accordingly.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS V)

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Sub Assistant Registrar

mmi/ssm
To

1.The Home Secretary (Prison),
Secretariat, Fort St.George,
Chennai - 09.

2.The Director General of Prisons
and Inspector General of Prisons,
No.2, Whannels Road, Egmore,
Chennai - 08.

3.The Superintendent of Prison,
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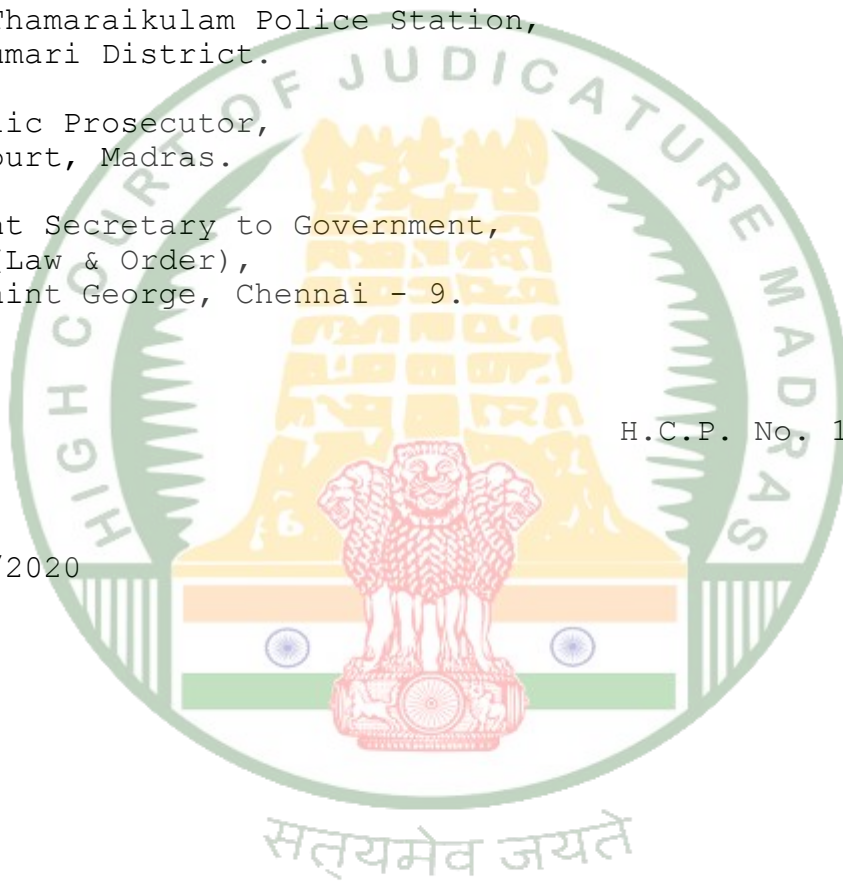
4.The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.

5.The Public Prosecutor,
High Court, Madras.

6.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

H.C.P. No. 1636 of 2020

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srg 22/10/2020



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