

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

Coram

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

H.C.P. No. 1833 of 2020

Visalakshi ... Petitioner

-vs-

- 1.State of Tamil Nadu
Rep. By its Secretary,
Home (Prison)Department,
Fort St.George, Chennai - 09.
- 2.The Additional Director General of Police
and Inspector General of Prison,
Tamilnadu Prison Department,
Egmore, Chennai - 08.
- 3.The Superintendent of Prison,
Central Prison I, Puzhal,
Chennai. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to grant leave for one month to the petitioner's husband namely P.Nagendran, S/o.Ponnusamy, aged about 52 years, (serving as life convict no.1236) enabling to make arrangement to his daughter's marriage.

For Petitioner .. Mr.M.R.Senthil Kumar
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 wife of the convict, who is under incarceration for about two decades. The reason for Ordinary

Leave is to make arrangement for the marriage of the daughter of the convict.

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

3. The proforma produced by the learned Additional Public Prosecutor would show that the emergency leave was granted from time to time from the year 2001 onwards. By the order of this Court in H.C.P.No. 425 of 2017, dated 07.04.2017, long leave for about one and half years has been granted towards liver transplantation.

4. The probation officer also stated that the reason assigned for granting leave is correct. On the earlier occasions, the convict has complied with the terms and conditions attached to the Prison Rules while granting leave by duly returning back to the prison.

5. Considering the above, particularly the fact that the convict has been under incarceration for about two decades and returned back to prison on all the earlier occasions coupled with the further fact that the reason assigned for granting leave is correct, we are inclined to grant 15 days leave so as to enable the convict to make arrangements for his daughter's marriage.

6. Accordingly, the convict is granted fifteen days leave subject to the usual conditions that can be imposed, with minimum escort. The convict shall be released on 04.11.2020 at 10.00 a.m. and return back to prison on 18.11.2020 at 5.00 p.m.

7. The habeas corpus petition stands disposed of accordingly. Post the matter 'for reporting compliance' on 19.11.2020.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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

2.The Additional Director General of Police
and Inspector General of Prison,
Tamilnadu Prison Department,
Egmore, Chennai - 08.

3.The Superintendent of Prison,
Central Prison I, Puzhal,
Chennai.

4. The Public Prosecutor,
High Court, Madras.

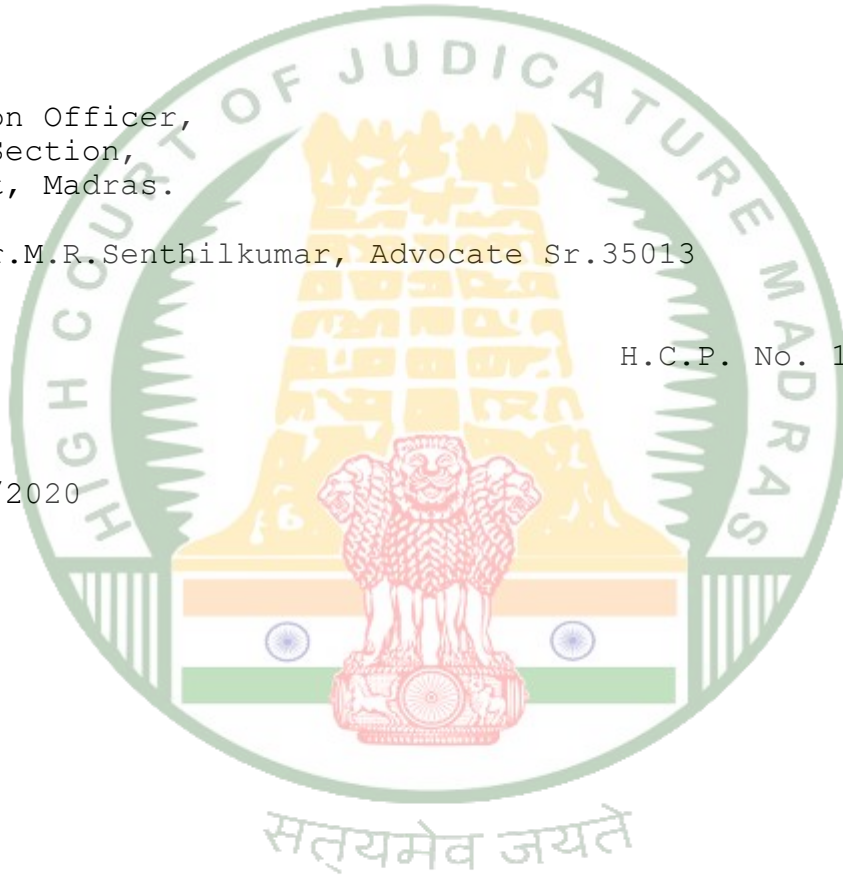
Copy to

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

+1cc to Mr.M.R.Senthilkumar, Advocate Sr.35013

H.C.P. No. 1833 of 2020

ss[co]
srg 04/11/2020



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