

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.NO.2052 OF 2020

M.Sundari

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Inspector General of Prison,
Office of the Inspector General of Prison,
Gandhi Irvin Road, Egmore,
Chennai-600 008.
3. The Superintendent of Prison,
Central Prison, Cuddalore-607 401.

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Habeas Corpus directing the
respondents to release the petitioner's father M.Balu, S/o
Muthukumran, Life Convict, Ct.No.11350, aged about 54 years, now
confined in the Central Prison, Cuddalore on ordinary leave for
one month, pursuant to petitioner's representation dated
15.09.2020.

For Petitioner .. Mr.P.Saravanan

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

O R D E R

(Order of the Court was made by M.M.SUNDRESH,J.)

The petitioner, who is the daughter of the convict seeks a
direction to the respondents for grant of ordinary leave to take
care of the other son, who is mentally de-ranged.

2.Heard the learned counsel appearing for the parties.

3.From the report of the Probation Officer, the reason assigned is found to be true. The convict is also undergoing incarceration for more than fifteen years.

4.Considering the above, we are inclined to direct the respondents to grant 30 days leave to the convict without escort subject to the usual conditions that can be imposed by the respondents. The convict shall be released from the prison at 10.00 a.m. on 26.11.2020 and he shall return back to the prison at 05.00 p.m. on 25.12.2020. During the aforesaid leave period, the convict shall report before the Inspector of Police, Mayiladuthurai Police Station, Nagapattinam daily at 5.00 p.m.

5.We also make it clear that the convict will have to undergo COVID 19 test after his return.

6.With the above directions, this Habeas Corpus Petition is disposed of.

Post the matter 'for reporting compliance' on 04.01.2021.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to the Government,
State of Tamil Nadu, सतयमेव जयते
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Inspector General of Prison,
Office of the Inspector General of Prison,
Gandhi Irvin Road, Egmore,
Chennai-600 008.
3. The Superintendent of Prison,
Central Prison, Cuddalore-607 401.

4. The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District.
5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.2052 of 2020

AD(CO)
CS/27/11/2020



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