

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2020

Coram

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

H.C.P. No. 1965 of 2020

K.Ganesh

... Petitioner

Vs

- 1.The Home Secretary,
Home Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Additional Director General of Police
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai - 08.
- 3.The Superintendent of Prison,
Vellore Central Prison,
Vellore District.
- 4.The Superintendent of Police,
O/o.Superintendent of Police,
Krishnagiri.
- 5.The Inspector of Police,
Mathikiri Police Station,
Dharmapuri District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus directing the respondents to grant one month leave without escort to the detenu Pappachi @ Papanna @ Papuraj, S/o. Late Chaurappa (Prisoner No CT 24178) now confined in Vellore Central Prison, for the purpose of seeing his aged mother and making arrangements for her medical expenses in pursuant to the petitioner's representation to the respondents dated 08.10.2020.

For Petitioner : Mr.P.Muthamizhselvakumar

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. He seeks a direction to the respondents to grant one month leave to take care of the ailing mother.

2.Learned Additional Public Prosecutor made an objection stating that in the year 2018, the convict did not return back. Only on being apprehended, he was taken back to the prison.

3.Learned counsel appearing for the petitioner submitted that the condition of the mother is precarious and he has undergone nearly 12 years of imprisonment as of now. The brother of the petitioner is willing to give surety.

4.We have perused the report of the Probation Officer which would suggest that the condition of the mother is precarious. She is losing memory apart from being critical. The convict also has undergone nearly 12 years of imprisonment as of now.

5.Thus, considering the above, we are inclined to grant ordinary leave for a period of two weeks during the day time i.e., from 09.00 a.m. to 5.00 p.m., commencing from 23.11.2020 till 07.12.2020, with minimum escort subject to the usual conditions that can be imposed.

6.With the above observation, the habeas corpus petition stands disposed of.

Post the matter 'for reporting compliance' on 08.12.2010.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Home Secretary,
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Chennai - 600 009.
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- 5.The Inspector of Police,
Mathikiri Police Station,
Dharmapuri District
- 6.The Public Prosecutor,
High Court, Madras.

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SJ[CO]
SRG 20/11/2020



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