

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

CORAM

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

H.C.P. NO. 1963 OF 2020

V. Abirami ..Petitioner/Wife of the Detenu
Vs.

1. The Principal Secretary to Government,
Home (Prison) Department,
Tamil Nadu Government Secretariat,
St. George Fort,
Chennai - 600 009.
2. The Addl. D.G.P./I.G. Of Prisons,
CMDA Towers II,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Superintendent of Prison,
Central Prison, Vellore. ..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 parole or emergency leave to the detenu S. Vinayagam, male aged about 36 years, S/o. Settu, (CP No. 484), now confined in Central Prison, Vellore in pursuant to the petitioner's representation dated 28.09.2020 for a period of 30 days without police escort.

For Petitioner :: Mr.C.V.Kumar

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

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O R D E R

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

The petitioner, who is the wife of the detenu, has come forward with the present Habeas Corpus Petition seeking a direction to the respondents to grant parole or emergency leave to the detenu in pursuant to the petitioner's representation dated 28.09.2020 for a period of 30 days without police escort

on the ground that the detenu will have to take care of his ailing mother apart from making arrangement for the educational expenses of his children.

2. Unfortunately, the convict is not entitled for ordinary leave in view of the embargo under the Rules. However, considering the fact that leave is also sought owing to his mother's illness, we are inclined to grant six days emergency leave to the detenu.

3. Accordingly, we direct the respondents to grant six days emergency leave to the convict commencing from 04.12.2020 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 04.12.2020 and he shall return back to the prison at or before 05.00 p.m. on 09.12.2020. During the aforesaid leave period, the convict shall report before the Inspector of Police, Vaniyambadi Taluk Police Station, daily at 5.30 p.m. We make it clear that the day on which the convict is released from the prison and the day on which he is readmitted will have to be excluded. This Habeas Corpus Petition is disposed of accordingly with the above directions.

4. Post the matter for "reporting compliance" on 10.12.2020.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nv

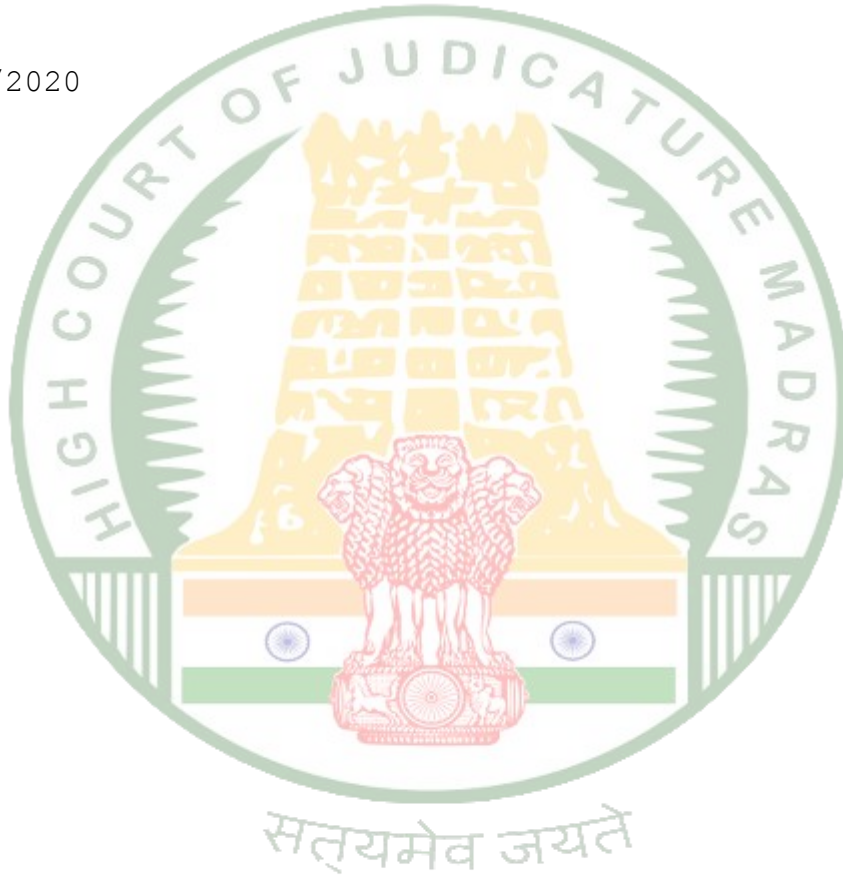
To

1. The Principal Secretary to Government,
Home (Prison) Department,
Tamil Nadu Government Secretariat,
St. George Fort,
Chennai - 600 009.
2. The Addl. D.G.P./I.G. Of Prisons,
CMDA Towers II,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Superintendent of Prison,
Central Prison, Vellore.

4. The Public Prosecutor,
High Court, Madras.
5. The Joint Secretary to government,
Public Law & Order,
Fort St.George, Chennai - 9
6. The Inspector of Police,
Vaniyambadi Police Station,
Vellore District.

H.C.P. No. 1963 of 2020

CA(CO)
KKV/03/12/2020



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