

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

HCP.No.2016/2020

Kalaivani

.. Petitioner

Versus

1. The Secretary to Government
Department of Home, Fort St George
Chennai -09.
2. The Additional Director General of Police
Egmore, Chennai-600 008.
3. The Superintendent of Prison
Central Prison, Puzhal-I
Chennai.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents to grant parole or emergency leave to the detenu T.Sureh, male aged about 34 years S/o.Thirunavukarasu, [CP No.6380] now confined in Central Prison, Puzhal I, Chennai in pursuant to the petitioner's representation dated 28.09.2020 for a period of 30 days without police scort.

For Petitioner :Mr.C.V.Kumar

For RR 1 to 3 :Mr.R.Prathap Kumar

Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SATHYANARAYANAN]

- (1)The petitioner is the wife of the life convict / detainee herein, viz., T.Suresh, son of Thirunavukarasu, aged about 34 years, and according to her, her husband was convicted for the commission of murder and other allied offences in SC.No.73 of 2009 on the file of the Court of Principal Sessions Judge at

Chennai and the appeal filed by him challenging the said conviction and sentence in CA.No.690 of 2016, also came to be dismissed by this Court vide judgment dated 24.04.2017. The petitioner has submitted a representation dated 28.09.2020 to the 1st respondent, stating among other things that the mother of the detenu / mother-in-law of the petitioner, viz., Tmt.Govindammal, is unwell and on an earlier occasion, on similar grounds, the detenu was granted leave for a period of fifteen days with minimum escort, vide order dated 24.10.2019 in HCP No.2110 of 2019.

- (2) The learned counsel for the petitioner would submit that the mother of the detenu continues to be unwell and her health condition is also precarious, prays for appropriate orders for grant of 30 days leave/parole.
- (3) Per contra, the learned Additional Public Prosecutor accepting notice on behalf of respondents 1 to 3 would submit that as per the Medical Certificate issued by Dr.K.Parthasarathy, Chennai-21, the mother of the detenu is suffering due to hypertension and she needs treatment for 15 days from the date of issuance of the said Certificate and would further submit that since it is an ordinary ailment, the prayer sought for by the petitioner may not be granted ; but however would submit that since the copy of the representation has also been marked to the 2nd respondent, appropriate orders would be passed by the said official in the light of the Tamil Nadu Prison Rules.
- (4) This Court has considered the rival submissions and also perused the materials placed before it.
- (5) This Court, in the light of the above facts and circumstances, directs the 2nd respondent, viz., the Additional Director General of Police, Egmore, Chennai-8, to consider and dispose of the petitioner's representation dated 28.09.2020 on merits and in accordance with law and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein.
- (6) The Habeas Corpus Petition stands disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary to Government
Department of Home, Fort St George
Chennai -09.

2.The Additional Director General of Police
Egmore, Chennai-600 008.

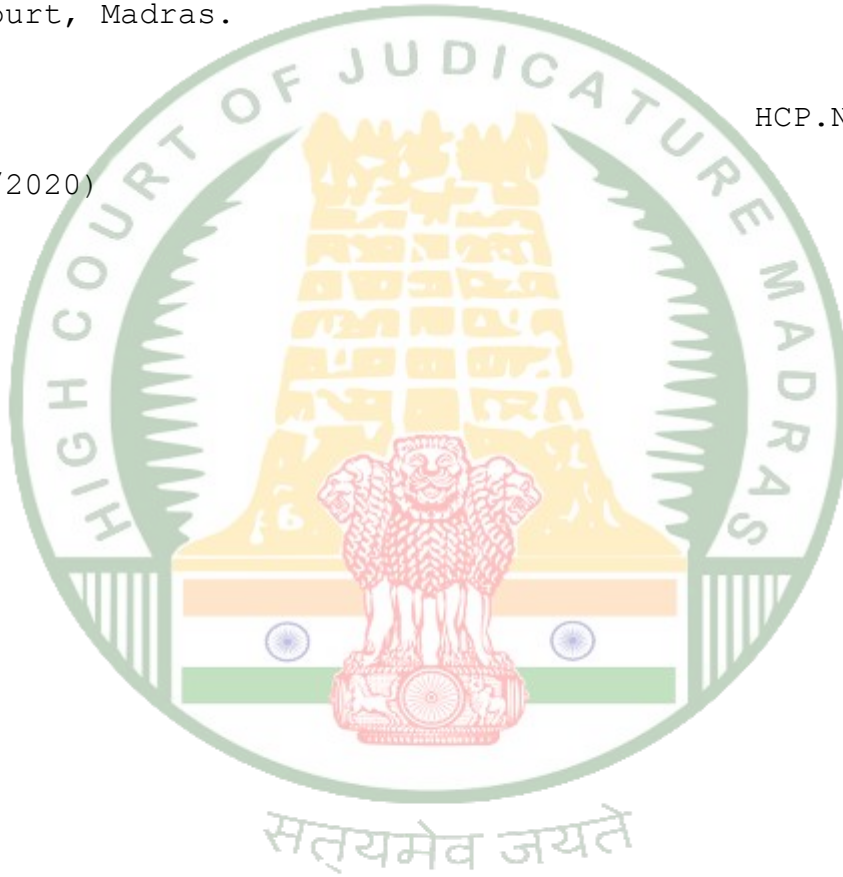
3.The Superintendent of Prison
Central Prison, Puzhal-I
Chennai.

4.The Joint Secretary to Government public law and order
secretariat chennai-9

5.The Public Prosecutor
High Court, Madras.

HCP.No.2016/2020

MG(CO)
RMP(19/11/2020)



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