

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2020

CORAM

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

THE HON'BLE MR. JUSTICE P.RAJAMANICKAM

H.C.P. NO.2083 OF 2020

V.Sivagami

..Petitioner

Vs

1. The State of Tamil Nadu
Rep by its
Principal Secretary to the Government,
Home (Prison) Department,
Tamil Nadu Government Chief Secretariat,
Fot St. George, Chennai - 600 009.
 2. The Additional Director General of Police/
IG of Prisons,
CMDA, Towers II, No.1,
Gandhi Irvin Road, Egmore,
Chennai - 08.
 3. The Superintendent,
Central Prison, Cuddalore.
- ..Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Habeas Corpus directing the respondents to grant ordinary leave for one month to the detenu Venkatachalam, son of Ranganathan, aged about 45 years, C.T.No.9044, now confined at Central Prison, Cuddalore, based on the petitioner representation dated 15.10.2020.

For Petitioner .. Mr.Ilayaraja Kandasamy
For Respondents .. Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

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

The petitioner, who is the wife of the convict has come forward to file this habeas corpus petition seeking a direction to the respondents to grant ordinary leave for a period of one month.

2.Heard the learned counsel appearing for the parties.

3.Learned counsel appearing for the petitioner submits that the presence of the convict is required for making arrangements to repair the damaged house and for the treatment of the convict's aged mother.

4.Learned Additional Public Prosecutor submitted that the convict is in prison for the past 12 years and he has availed emergency leave without escort on several occasions and returned back. He has further submitted that the Probation Officer has also recommended the case of the convict.

5.Inasmuch as the reason assigned is not in dispute, we are inclined to direct the respondents to grant three weeks leave to the convict without escort subject to the usual conditions that can be imposed. The convict shall be released from the prison at 10.00 a.m. on 02.12.2020 and he shall return back to the prison at 05.00 p.m. on 23.12.2020. During the aforesaid leave period, the convict shall report before the Inspector of Police, Villupuram Taluk Police Station, Villupuram daily at 5.30 p.m.

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

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

Post the matter 'for reporting compliance' on 04.01.2021.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Principal Secretary to the Government,
Home (Prison) Department,
Tamil Nadu Government Chief Secretariat,
Fot St. George, Chennai - 600 009.

2.The Additional Director General of Police/
IG of Prisons,
CMDA, Towers II, No.1,
Gandhi Irvin Road,Egmore,
Chennai - 08.

3.The Superintendent,
Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court, Madras.

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

The Additional Court,
Villupuram

+1cc to Mr.Ilayaraja Kandasamy, Advocate, SR.No.38000

H.C.P. No. 2083 of 2020

PA(CO)
KKV/01/12/2020



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