

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2020

CORAM

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

H.C.P. NO. 2118 OF 2020

V.N.Raj Kiran

...Petitioner

-vs-

1. The State of Tamil Nadu, represented by
The Deputy Inspector General of Prisons,
Prison Department, Gandhi Irwin Road,
Egmore, Chennai-600 008.
 2. The Superintendent of Prisons,
Central Prison-I, Puzhal,
Chennai.
 3. The Commissioner of Police,
Chennai Police, Vepery,
Chennai-600 007.
- ...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the second respondent to grant 30 days emergency leave to the father of the petitioner Y.V.Nagaraj (Detenue) Son of Y.Subba Rao presently held at Central Prison-I, Puzhal, Chennai-66 bearing C.B.No.6707, in order to save the life of his wife.

For Petitioner ... Mr.R.Rajan
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 son of the convict namely Y.V.Nagaraj, Son of Y.Subba Rao, now confined in Central Prison-I, Puzhal, Chennai-66, bearing C.B.No.6707. The present Habeas Corpus Petition has been filed seeking 30 days leave on the ground of taking appropriate steps to take care of the convict's ailing wife.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The learned counsel for the petitioner submitted that the convict has been made to undergo incarceration for 10 years and he has been under incarceration for 4 years and the wife of the convict is suffering from heart ailment and to undergo major heart surgery and hence, the presence of the convict is necessary and the leave may be granted.

4.The learned Additional Public Prosecutor submitted that though the reason assigned is true, considering the nature of the offence involved, the petition has to be dismissed.

5.We have perused the records. The records would reveal that there is no objection for the grant of ordinary leave and the need for the leave is also not seriously disputed. On the earlier occasion also the convict was given an emergency leave without escort. Considering the above, we are inclined to grant 30 days leave from 08.12.2020 onwards.

6.Accordingly, we are inclined to direct the respondents to grant thirty days (30) leave subject to the usual conditions that can be imposed, without escort. The convict shall be released on 08.12.2020 at 10.00 a.m. and return back to prison on 08.01.2021 at 5.00 p.m. During the leave period the convict shall report before the Inspector of Police, E4 Police Station, Abhiramapuram, Chennai, in the evening between 5.00 and 6.00 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.

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

8.The habeas corpus petition stands disposed of accordingly. Post the matter 'for reporting compliance' on 11.01.2021.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

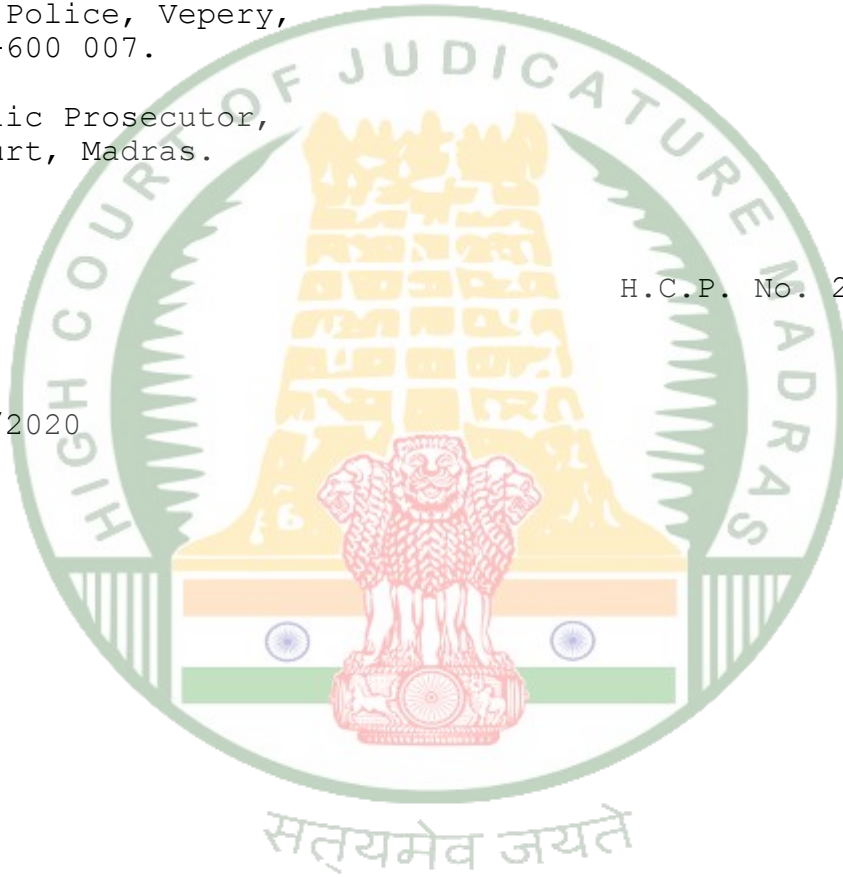
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To

- 1.The Deputy Inspector General of Prisons,
State of Tamil Nadu, Prison Department,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 2.The Superintendent of Prisons,
Central Prison-I, Puzhal,
Chennai.
- 3.The Commissioner of Police,
Chennai Police, Vepery,
Chennai-600 007.
- 4.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 2118 of 2020

BP (CO)
KKV/08/12/2020



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