

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.12.2020

CORAM

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

H.C.P. NO. 2266 OF 2020

S.Kalaiselvi

..Petitioner

Vs

1.The Additional D.G.P.
for Prison, Chennai.

2.The Superintendent of Prison,
Central Prison, Cuddalore.

3.The Inspector of Police,
All Women Police Station,
Vridachalam.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the entire records connected with the order of respondent herein in Letter No.15987/Tha.2/2020 (in Tamil எண்/15987-த-2-2020) dated 14.10.2020 and quash the same and further direct the respondents to release the petitioner's husband (Sankara Narayanan, S/o.Somasundaram Pillai, aged about 64 years, Convict No.16490 now confined at Central Prison at Cuddalore) on parole for one month and allow the petitioner's husband to consult the doctor and take medical ailment and undergo surgery.

For Petitioner : Mr.R.Manickavel

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

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The present petition has been filed by the petitioner, who is the wife of the convict, who has been convicted and sentenced to undergo five years rigorous imprisonment.

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

3. Leave has been sought for on the ground of taking medical treatment.

4. Though the Probation Officer has not recommended the case, particularly in view of the embargo under the Rule and the plausible objection from the victim family, inasmuch as the convict is stated to be suffering from ailment, we are inclined to direct the respondents to grant six days emergency leave to the convict.

5. Accordingly, we direct the respondents to grant 6 days emergency leave to the convict with minimum 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 21.12.2020 and he shall return back to the prison at 05.00 p.m. on 28.12.2020. The respondents shall provide minimum escort to the convict from the Central Prison from the time he leaves the prison and till such time he is taken back to the Central Prison, on the said date and time as ordered by this Court. 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.

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 (CS VIII)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Additional D.G.P.
for Prison, Chennai.

2. The Superintendent of Prison,
Central Prison, Cuddalore.

3. The Inspector of Police,
All Women Police Station,
Vridachalam.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Manickavel, Advocate, S.R.No.41912

H.C.P. No. 2266 of 2020

SRA (CO)
KKV/21/12/2020



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