

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. 2188 of 2020

J.Naseema ... Petitioner

-vs-

1.The Secretary to Government,
Home Department, Secretariat,
Chennai -600 009.

2. State by, The Director General of Police &
Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison,
Puzhal-600 066.

4.The Inspector of Police,
B-1 Police Station,
Coimbatore.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to grant ordinary leave for a period of 30 days by considering the representation dated 05.11.2020 to the petitioner's husband Jahir Hussain, S/o Habeebkhan aged 45 years, now confined in Central Prison, Puzhal.

For Petitioner .. Mr.P.Pugalenth
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 wife of the convict namely Jahir Hussain, S/o Habeebkhan aged 45 years, now confined in Central Prison, Puzhal. The present Habeas Corpus Petition has been filed seeking 30 days ordinary leave to take part in the sunnath ceremony of her son scheduled to be held on 13.12.2020.

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 under incarceration for the past 24 years and on various occasions, he has been given emergency leave and on few occasions in pursuant to the orders passed by this Court. Thus, the present petition has to be allowed. 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. The reason assigned for the grant of ordinary leave to the convict is not disputed. The convict has been under incarceration for more than two decades. From the documents furnished by the learned Additional Public Prosecutor, it is seen that number of times emergency leave has been granted from 2006 onwards. By the orders of this Court, the convict has also been granted leave on few occasions. Considering the above, we are inclined to grant 15 days leave from 04.12.2020 onwards.

6. Accordingly, we are inclined to direct the respondents to grant fifteen days (15) leave subject to the usual conditions that can be imposed, without escort. The convict shall be released on 04.12.2020 at 10.00 a.m. and return back to prison on 18.12.2020 at 5.00 p.m. During the leave period the convict shall report before the B1 Police Station, Coimbatore twice a day i.e., in the morning between 9.00 and 10.00 a.m., and in the evening between 5.00 and 6.00 p.m.

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 21.12.2020.

Sd/-

Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

raa

To

1.The Secretary to Government,
Home Department, Secretariat,
Chennai -600 009.

2. State by, The Director General of Police &
Inspector General of Prisons,
Gandhi Irwin Road, Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison, Puzhal-600 066.

4.The Inspector of Police,
B-1 Police Station, Coimbatore.

5.The Public Prosecutor,
High Court, Madras.

Copy to:

The Section Officer,
Criminal Section,
High Court, Madras

A.SK(04/12/2020)

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