

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.12.2020

CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice D.KRISHNAKUMAR

Habeas Corpus Petition No.2283 of 2020

S.Gokila

.. Petitioner/
Wife of the Detenue

-Versus-

The State Rep. by its

1.The Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore-18.

2.The Superintendent,
Central Prison,
Salem.

3.The Inspector of Police,
Omalur Police Station,
Omalur

.... 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 30 days by considering the representation dated 17/11/2020 to the Convict - Saravanan (Convict Prisoner No.7584), aged about 44 years, son of Sundaram, now, detained at Central Prison, Salem.

For Petitioner : Ms.S.Nadhiya
For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner is the wife of life convict. After having undergone 15 years of incarceration, wife of the Convict, has come up with this petition seeking leave to attend to his

ailing mother.

2. The learned Additional Public Prosecutor while admitting the fact that the mother of the Convict is ailing, submitted that the Convict was convicted for the offence punishable under Sec.302 of I.P.C.

3. In as much as the Convict has undergone incarceration for more than 15 years and on the earlier occasion, he availed leave and returned back coupled with further fact that the reason assigned is not disputed, therefore, in law, the Convict is entitled for consideration of leave.

4. In such view of the matter, we are inclined to direct the respondents to grant leave to the Convict No.7584 - Saravanan, S/o Sundaram, aged 44 years, for 30 days commencing from 22.12.2020 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 22.12.2020 without escort and he shall return back to the prison at or before 05.00 p.m. on 22.01.2021 . 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. This Habeas Corpus Petition is disposed of accordingly with the above directions. The Convict shall report before the Inspector of Police, Mettur Police station once in a week during the leave period.

The Registry is directed to list this matter on 27.01.2021 for reporting compliance.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vaan

To

1.The Deputy Inspector General of Prisons, Coimbatore Range,
Coimbatore-18.

2.The Superintendent, Central Prison, Salem.

3.The Joint Secretary to Government, Public (Law and Order),
Secretariat, Fort St. George, Chennai 600009.

4.The Inspector of Police, Mettur Police Station, Mettur, Salem.

5.The Home Secretary (Prison)
Secretariat, Fort St.George, Chennai-9.

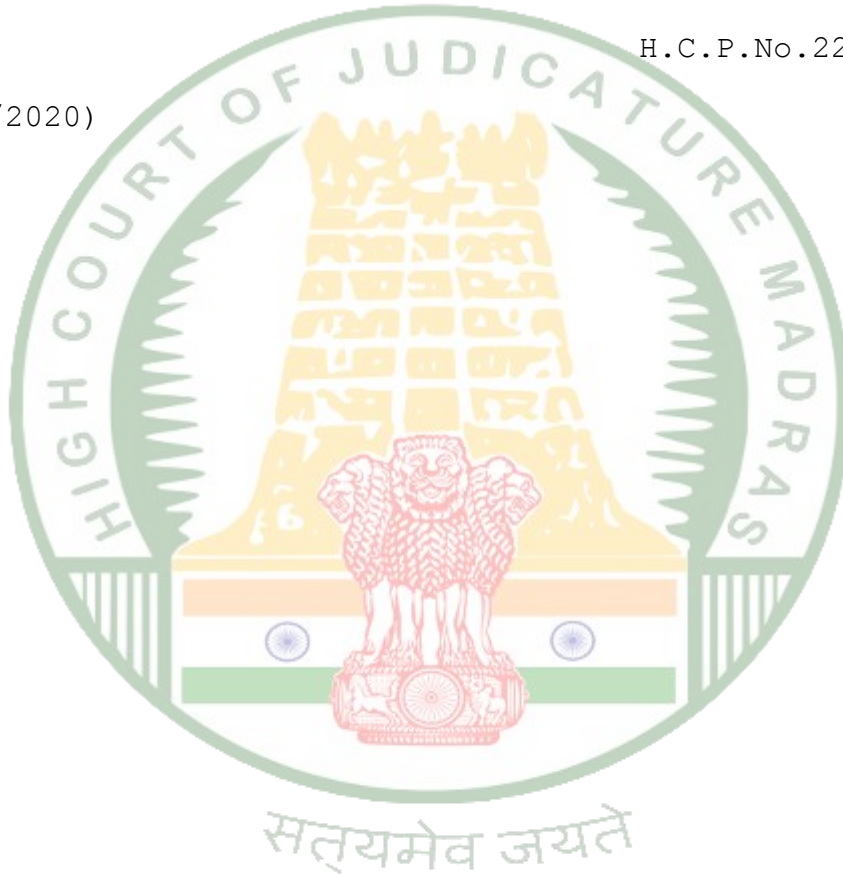
6.The Inspector of Police,
Omalur Police Station, Omalur.

7.The Public Prosecutor, High Court, Chennai.

8.The Section Officer, Criminal Section High Court Madras.

H.C.P.No.2283 of 2020

NMI (CO)
RMP (18/12/2020)



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