

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.2299 of 2020

Mahabooba Jailani ... Petitioner/Wife of the convict

-Versus-

The State Rep. by its

1.Home Secretary (Prison),
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Director General of Prison &
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai - 600 008.

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

4. The Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai Zone.

.... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to grant leave for one month without escort to the Convict - M.Mohamed Ali (Convict Prisoner No.7873), son of Mohamed Yunus, now, detained at Puzhal Central Prison-I.

For Petitioner : Mr.Md.Saifulla
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 convict. After having undergone more than 4 years of incarceration, wife of the

Convict, has come up with this petition seeking leave so as to settle the loan obtained for the family. The request made was rejected though the convict is eligible otherwise, on the premise that the petitioner has not produced relevant documents.

2. On the earlier occasion, pursuant to the order passed by this Court, the Convict was granted leave and his conduct was also found satisfactory while on leave and he complied with the conditions imposed. Merely because the petitioner is unable to give the adequate documents as sought for by the Probation officer, the reason assigned cannot be stated to be false.

***3. In such view of the matter, we are inclined to direct the respondents to grant leave to the Convict M.Mohamed Ali, Convict No.7873, S/o Md. Yunus, for 15 days commencing from 25.12.2020 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 25.12.2020 and he shall return back to the prison at or before 05.00 p.m. on 10.01.2021. 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, N3 Police station daily at 5.00 p.m. during the leave period.**

The Registry is directed to list this matter on 11.01.2021 for reporting compliance.

Sd/-

Assistant Registrar(CS IX)

***Amended as per order
of this court dated 23.12.2020
made in HCP.No.2299/2020
-s/d-**

**Assistant Registrar(CSIII)
dt 23/12/2020 //True Copy//**

Sub Assistant Registrar

vaan
To

1.The Home Secretary (Prison),
Secretariat, Fort St. George,
Chennai - 600 009.

**To be Substituted order to
be issued already despatched
on 22.12.2020**

2.The The Director General of Prison & Inspector General of Prisons,Whannels Road, Egmore, Chennai - 600 008.

3.The Superintendent, Puzhal Central Prison, Puzhal.

4. The Intelligence Officer,
Directorate of Revenue Intelligence,
Chennai Zone.

5. The Inspector of Police, N-3 Police Station, Chennai.

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

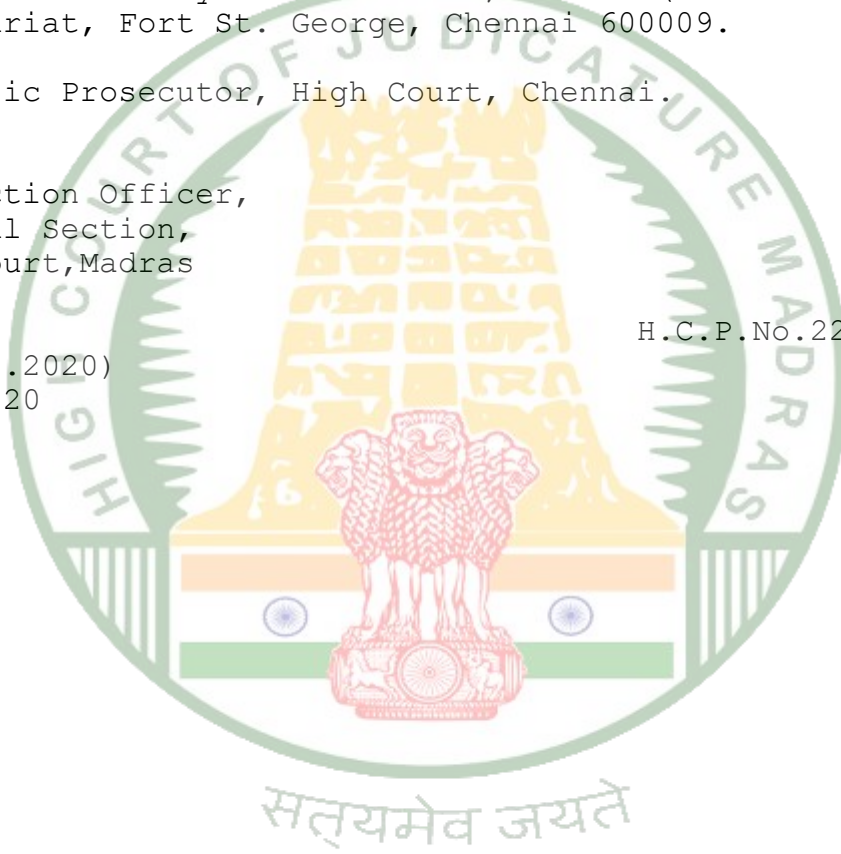
7.The Public Prosecutor, High Court, Chennai.

Copy to:

The Section Officer,
Criminal Section,
High Court,Madras

H.C.P.No.2299 of 2020

A.Sk(21.12.2020)
aa23/12/2020



WEB COPY