

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.2369 of 2020
Annesha Banu

... Petitioner

-Versus-

The State Rep. by its

1.The Secretary to Government of Tamilnadu,
Home Department,
Fort St. George, Chennai-600009.

2.The Director General of Prison,
Coimbatore District,
Coimbatore.

3.The Superintendent,
Central Prison,
Coimbatore.

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 leave for 30 days to the Convict - Abuthahir (Convict Prisoner No.10681), aged about 42 years, son of Yakub, now, detained at Central Prison, Coimbatore.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.R.Prathap Kumar, APP

ORDER

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

The petitioner is the wife of convict seeking leave for one month on three grounds namely:

- i) To make arrangement for livelihood
- ii) To attend ailing mother and
- iii) For taking care of education of child.

The Probation officer having found the reasons are true recommended for ordinary leave. We also found from the records produced that on the earlier occasion, the Convict complied with the conditions imposed and returned back.

2. In such view of the matter, we are inclined to direct the respondents to grant leave to Abuthahir, Convict No.10681, S/o Yakub, aged about 42 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 and he shall return back to the prison at or before 05.00 p.m. on 23.01.2021. The respondents shall provide minimum escort (i.e. two Police Constables) 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. This Habeas Corpus Petition is disposed of accordingly with the above directions.

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government of Tamilnadu,
Home Department, Fort St. George, Chennai-600009.
- 2.The Director General of Prison, Coimbatore District,
Coimbatore.
- 3.The Superintendent, Central Prison, Coimbatore.
- 4.The Inspector of Police, B-1 Police Station, Coimbatore.
- 5.The Joint Secretary to Government, Public (Law and Order),
Secretariat, Fort St. George, Chennai 600009.
- 6.The Public Prosecutor, High Court, Chennai.

H.C.P.No.2369 of 2020

A.Sk(21.12.2020)