

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.1990 of 2019
and
C.M.P.No.17596 of 2019

Fathima

... Petitioner

Vs

- 1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai - 600 009.
- 2.The Additional Director General of Prison,
C.M.D.A.Towers,
Egmore,
Chennai - 600 008.
- 3.The Superintendent,
Central Prison,
Palayamkottai - 627 007.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing the respondents to grant 30 days leave to the detenu viz., Muhammed Musa S/o.Hanifa, aged about 45 years, Convict No.9400 detained at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Narayanan

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

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

Though the Criminal Miscellaneous Petition has been listed today, this Court takes the main petition for disposal. The convict who proved to be a murderer of a doctor in the presence of his daughter who is a two year old child, has come before

this Court to celebrate his daughter's marriage seeking parole for a period of 30 days.

2.It is seen from the records that the Petitioner's husband was convicted with life imprisonment along with other sentences for the offence under Sections 302 and 120 B r/w 148 of Indian Penal Code in S.C.No.140 of 2000 for murdering one doctor viz., Sridhar at Trichy along with others in the presence of victim's child since the victim was professing Hinduism. It is seen that religion alone was the reason for the murder. Unfortunately, in our country, religion has become a ground for so many problems including the commission of offences.

3.The learned Counsel for the petitioner submitted that the petitioner's daughter is getting married on 05th April 2020 and the hence, the petitioner is before this Court seeking leave to make arrangements for the marriage and produced the invitation card of the marriage. Further, the learned Counsel for the petitioner submitted that the earlier Bench has orally observed to consider the parole if the marriage date is fixed and now, the petition has come before this Court.

4.On perusal of the records, especially from the invitation card produced by the petitioner, it is seen that the petitioner's daughter marriage has been fixed on 05th April 2020. Further, it is seen that the probation officer also has recommended the release of the convict after verification that the petitioner's daughter is getting married. Considering the above circumstances, this Court is inclined to allow this petition.

5.In the result, this Court directs the respondents to release the detenu viz., Muhammed Musa S/o.Hanifa, aged about 45 years, Convict No.9400 detained at Central Prison, Palayamkottai at 11.00 A.M. on 04.04.2020 with police escort. The detenu shall be brought back to prison at 10 A.M. on 06.04.2020.

6.With the above directions, this Petition is ordered. Consequently, the connected miscellaneous petition is closed.

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-s/d-
Assistant Registrar

True Copy

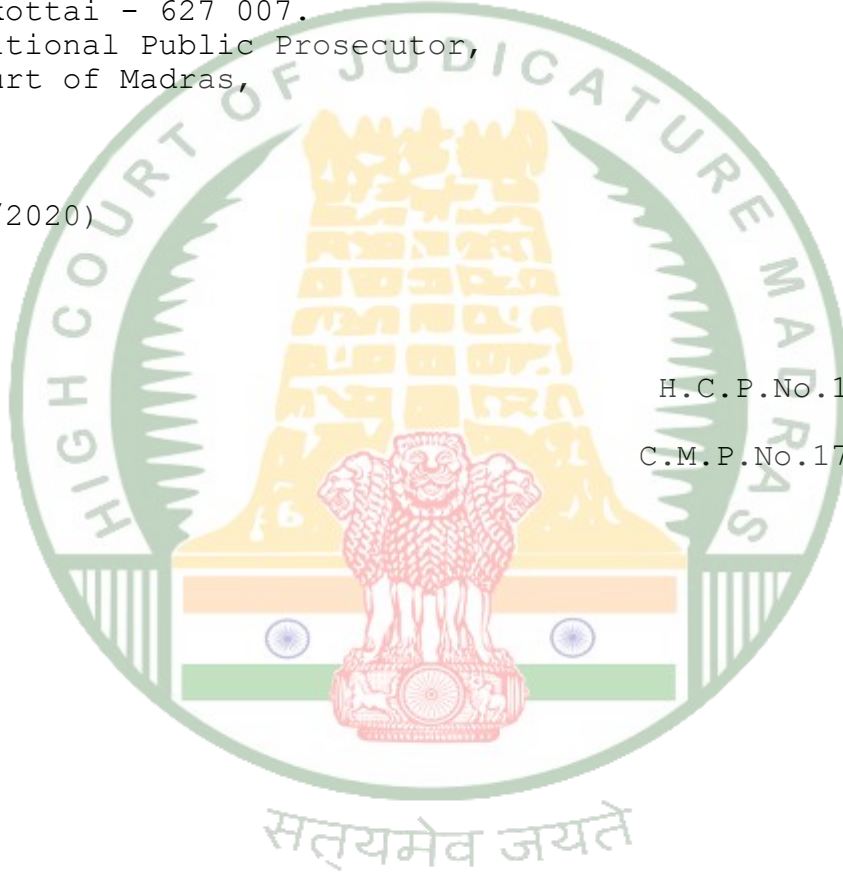
Sub-Assistant Registrar

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To

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- 2.The Additional Director General of Prison,
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- 4.The Additional Public Prosecutor,
High Court of Madras,
Chennai.

PP(CO)
rli(22/05/2020)



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