

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.29878 of 2019

B.Jaithoon,
M/o.B.Yasudheen

...

Petitioner

versus

The State represented by its
The Superintendent,
Central Prison,
Kovai - 18.

...

Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, seeking a direction to direct the respondent to grant emergency leave fully day and night under Rule 13 of The Tamilnadu Suspension of Sentence Rules, 1982 to his son, the detainee, Yasudeen, S/o.Bathrudeen, aged about 44 years, Convict No.3287, detained at Central Prison, Kovai.

For Petitioner : M/s.Lakshmi Srinivasan
for Mr.S.Manoharan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to direct the respondent to grant emergency leave fully day and night under Rule 13 of The Tamilnadu Suspension of Sentence Rules, 1982, to her son, the detainee, Yasudeen, S/o.Bathrudeen, aged about 44 years, now detained at Central Prison, Kovai.

2. Heard M/s.Lakshmi Srinivasan representing Mr.S.Manoharan, learned counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the State.

3. It is not in dispute that after filing this Criminal Original Petition in the year of 2019, the petitioner herein filed Habeas Corpus Petition in H.C.P.No.1536 of 2019, in which, parole was granted to her son (detenue) from 07.08.2019 to 12.09.2019. Subsequently, in the year of 2020, the very same

petitioner filed Habeas Corpus Petition in H.C.P.No.660 of 2020 and obtained parole for her son (detenue) from 23.09.2020 to 14.10.2020.

4. In the said circumstances, in the prayer sought for by the petitioner in this petition, she has not stated the specific date, on which, the respondent herein refused to grant emergency leave fully day and night under Rule 13 of The Tamilnadu Suspension of Sentence Rules, 1982. Therefore, without mentioning the date, on which, the prayer sought for by the petitioner was denied by the respondent, this Court is not in a position to issue a positive direction in favour of the petitioner.

5. Therefore, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

sri

To

1. The Superintendent,
Central Prison, Kovai - 18.

2. The Public Prosecutor,
High Court, Madras.

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SS CO
SDR 14/12/2020

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