

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2541 of 2019

Shobana Babu

W/o.Babu

... Petitioner/Wife of the detenue
Vs

1.The Additional Director General of Prison,
Thaalamuthu Natrajan Malligai,
Gandhi Erwin Salai,
Egmore, Chennai.

2.The Superintendent of Central Prison,
Central Prison,
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents herein to grant leave to petitioner's husband viz., Babu S/o.Kesavan, aged 30 years, now confined at Central Prison, Coimbatore, as a convict prisoner bearing No.14988 for a period of 30 days pursuant to the representation dated 22.10.2019.

For Petitioner : Mr.T.Muruganantham

For Respondents: Mr.R.Prathap Kumar

Additional Public Prosecutor

सत्यमेव जयते
O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the wife of the life convict viz., Babu, aged 32 years, S/o.Kesavan, (C.P.No.14988), now confined at Central Prison, Coimbatore, and has filed the present petition seeking a direction to respondents to grant leave for 30 days to her husband by considering the petitioner's representation dated 22.10.2019.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents.

3. Learned counsel for petitioner submits that petitioner's husband was convicted for an offence u/s.302 IPC and sentenced to life imprisonment under judgment of learned Sessions Judge, Salem, in S.C.No.384 of 2010. The appeal

preferred by life convict in C.A.No.672 of 2011 on the file of this Court was dismissed under judgment dated 02.02.2016. The Special Leave Petition preferred by life convict is pending. Presently, the life convict is confined at Central Prison, Coimbatore. Since the petitioner has to undergo an operation for removal of uterus, she submitted a representation dated 22.10.2019 to respondents seeking leave to the life convict to take care of her. Since no action was taken, the present petition has been filed seeking the aforesaid relief.

4. Learned Additional Public Prosecutor appearing for respondents vehemently opposes the present petition stating that the life convict was granted leave for 15 days only in the month of June 2019. However, learned Additional Public Prosecutor also admits that the petitioner is suffering from health issues. The said submission is made only upon due verification.

5. This Court, considering the genuine reason for seeking leave, is of the view that leave could be granted to the petitioner's husband/life convict for a period of one week. Accordingly, this Court directs as follows:

- (a) Respondents are directed to release the life convict viz., Babu, aged 32 years, S/o.Kesavan, (C.P.No.14988), now confined at Central Prison, Coimbatore, on ordinary leave for a period of one week i.e., 25.01.2020 to 31.01.2020.
- (b) The life convict shall be released on 25.01.2020 at 10.00 a.m. and he shall be brought back to the Central Prison, Coimbatore, on 31.01.2020 at 05.00 p.m.
- (c) Respondents are directed to follow the procedures prescribed in the prison manual for ensuring the safety and providing necessary security and escort facilities to the life convict during the period of leave.

6. The Habeas Corpus Petition is disposed of with the above direction.

Post 'for reporting compliance' on 03.02.2020.

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Sd/-

Assistant Registrar(Ccc)

//True Copy//

Sub Assistant Registrar

gm
To

1.The Additional Director General of Prison,
Thaalamuthu Natrajan Malligai,
Gandhi Erwin Salai,
Egmore, Chennai.

2.The Superintendent of Central Prison,
Central Prison,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

Copy to
The Section Officer,
Criminal Section,
High Court, Madras

+1cc to Mr.T.Muruganantham , Advocate SR.No. 4830
H.C.P.No.2541 of 2019
A.SK(24/01/2020)



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