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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

CORAM

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

H.C.P.No.2613 of 2019

R.Mageswari

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep.by its Secretary,
Department of Home,
Fort. St.George,
Chennai 600 009.

2. The Superintendent of Central Prison,
Cuddalore,
Cuddalore District.

... Respondents

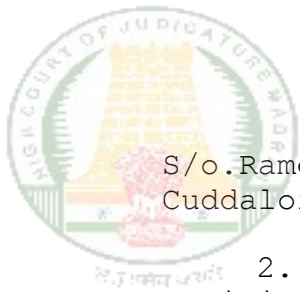
Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the respondents to grant one month ordinary leave to the detinue R.Anbarasan, S/o.Ramesh, C.No.15133 now confined at Central Prison, Cuddalore to secure the ends of justice.

For Petitioner : M/s.R.Sankarasubbu
For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

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

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents to grant one month ordinary leave to the detinue, R.Anbarasan,



S/o.Ramesh, C.No.15133, now confined at Central Prison, Cuddalore, to secure the ends of justice.

2. The learned counsel for the petitioner submitted that the petitioner is the wife of the detenu, namely, R.Anbarasan, C.No.15133 who is a life convict confined at Central Prison, Cuddalore over a period of 20 years. Since the petitioner is suffering from ailments taking treatment at a private hospital and there is no one to look after her and therefore she made a representation to the respondents on 14.11.2019 and the same is pending. Under such circumstances, the present petition has been filed for getting the relief sought therein.

3. The learned Additional Public Prosecutor produced a report dated 12.12.2019 from the Probationary Officer, wherein it is stated that the petitioner is undergoing treatment for removal of uterus for the past one and a half month and that she has to take continuous treatment. The learned Additional Public Prosecutor has no serious objection in granting ordinary leave to the detenu/R.Anbarasan.

4. Considering the request made on the side of the petitioner and also considering the Probationary Officer's report dated 12.12.2019, this Court is inclined to pass the following order.

5. In fine, this habeas corpus petition is allowed. The second respondent, viz., the Superintendent of Central Prison, Cuddalore, Cuddalore district, is directed to give leave to the detenu, viz., R.Anbarasan (life convict prisoner C.No.15133) from 06.01.2020 to 20.01.2020 on fulfillment of the conditions as stated infra:

The detenu shall appear before the Inspector of Police, Karamadai Police Station, Coimbatore every day at 5:00 p.m. from 06.01.2020 to 19.01.2020 and shall return back to the prison on 20.01.2020 at 5:00 p.m., without fail.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

dpq



To

1. The Secretary,
Department of Home,
Fort. St.George,
Chennai 600 009.
2. The Superintendent of Central Prison,
Cuddalore,
Cuddalore District.
3. The Inspector of Police
Karamadai Police Station
Coimabatore
4. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.R.Sankarasubbu Advocate sr299/2020

H.C.P.No.2613 of 2019

aa03/01/2020