

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

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

H.C.P.No.2637 of 2019

Dhanalakshmi

... Petitioner

Vs

1.The State of Tamil Nadu,
represented by its Principal Secretary to Government,
Home (Prison) Department,
Tamil Nadu Government Chief Secretariat,
Fort St. George,
Chennai-600 009.

2.The Additional Director General of Police/
IG of Prisons, CMDA, Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai-600 008.

3.The Superintendent,
Central Prison-I,
Puzhal, Chennai.

4.The Superintendent,
Central Prison,
Cuddalore,
Cuddalore District.

... Respondents

(R4 is impleaded as per order dated 27.01.2010
in CrI.M.P. No.67 of 2020 in H.C.P. No.2637 of 2019)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing respondents to consider the petitioner's representation dated **24.12.2019** and direct the respondents to grant leave for one month to the detenu Alagar @ Valarntha Alagar, son of Dharmaraj, aged about 45 years, **C.T. No.16749**, now confined at Central Prison, **Cuddalore**.

For Petitioner : Mr.Ilayaraja Kandasamy

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

O R D E R

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

The petitioner, who is the wife of the life convict viz., Alagar @ Valarntha Alagar, S/o. Dharmaraj, aged about 45 years, **C.T. No.16749**, now confined at Central Prison, **Cuddalore**, has filed the present petition seeking a direction to the respondents to grant parole for one month to her husband by considering her representation dated **24.12.2019**.

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

3. In the affidavit filed in support of the petition, it is averred by the petitioner that the petitioner's husband is a convict prisoner and presently, he is confined at Central Prison, **Cuddalore**. He has been in prison for the past 15 years. Since the petitioner has been suffering from heart ailment and she got two female children, who are studying 12th and 10th std. respectively and her mother-in-law, aged about 65 years is also sick, the presence of the detenu is very much necessary for taking care of their family and for making arrangements in getting medical expenses. In this regard, she made a representation dated **24.12.2019** to the respondents. Since no action was taken by them, the present petition has been filed seeking the aforesaid relief.

4. Learned Additional Public Prosecutor appearing for respondents, opposing for granting leave to the detenu, would submit that there is a likelihood of law and order problems in releasing the detenu.

5. Learned counsel for petitioner submits that earlier in two occasions the detenu was granted leave, but no such occurrence was taken place, as submitted by the learned Additional Public Prosecutor.

6. 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 two weeks. Accordingly, this Court directs as follows:

- (a) Respondents are directed to release the life convict viz., Alagar @ Valarntha Alagar, S/o. Dharmaraj, aged about 45 years, **C.T. No.16749**, now confined at Central Prison, **Cuddalore**, on ordinary leave for a period of two weeks i.e., from **05.03.2020 to 20.03.2020**.
- (b) The life convict shall be released on **05.03.2020** at 10.00 a.m. and he shall be brought back to the Central Prison **Cuddalore** on **20.03.2020** 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 minimum escort facilities to the life convict during the period of leave.

7. The Habeas Corpus Petition is disposed of with the above directions.

Post 'for reporting compliance' on 09.03.2020.

Sd/-
Assistant Registrar(Ccc)

***prayer and order portion
of the order corrected
as per order of this
Court dated 27.02.2020
and made in CrI.MP.No.2562/20
in H.C.P.No.2637 of 2019**

**-s/d-
Assistant Registrar(cs)
dt 18/02/2020**

//True Copy//

Sub Assistant Registrar

To

1.The State of Tamil Nadu,
represented by its Principal Secretary to Government,
Home (Prison) Department,
Tamil Nadu Government Chief Secretariat,
Fort St. George,
Chennai-600 009.

2.The Additional Director General of Police/
IG of Prisons, CMDA, Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai-600 008.

3.The Superintendent,
Central Prison-I,
Puzhal, Chennai.

**Corrected order to be substituted
For the order already
despatched on 18.02.2020**

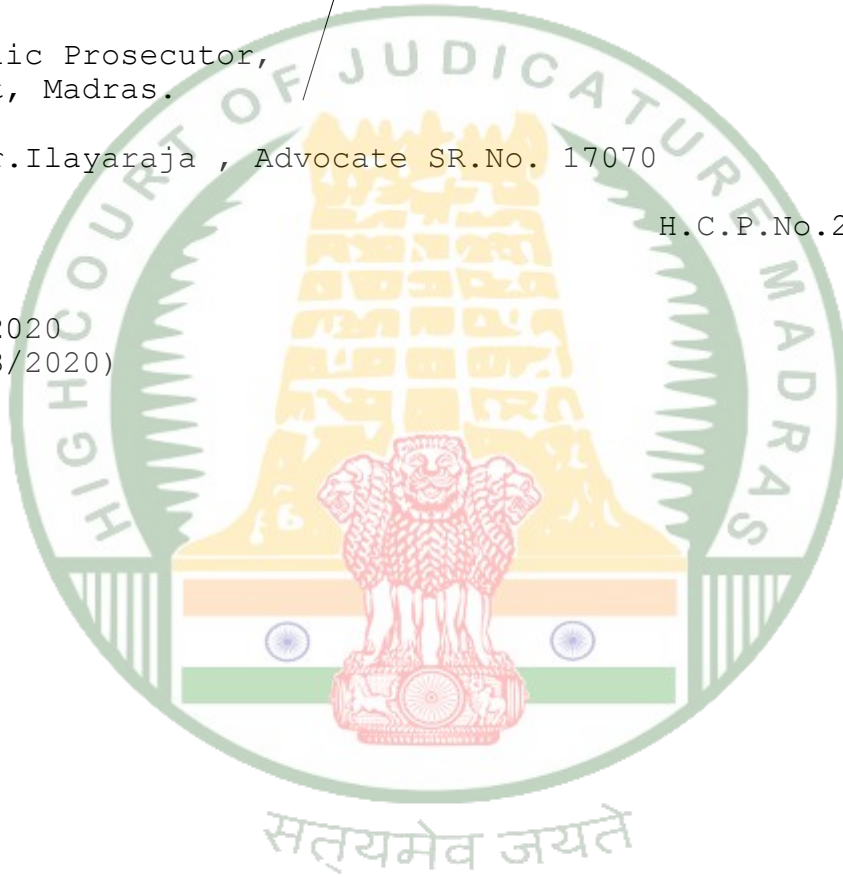
4.The Superintendent,
Central Prison,
Cuddalore,
Cuddalore District.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Ilayaraja , Advocate SR.No. 17070

H.C.P.No.2637 of 2019

nrl(co)
nr 18/02/2020
A.SK(02/03/2020)



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