



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2020

CORAM

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

H.C.P.No.2694 of 2019

Paramasivam

... Petitioner

Vs

1.The Home Secretary (Prison),
Home Department,
Secretariat, Fort St.George,
Chennai - 600009.

2.The Additional Director General of Prison
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai - 600008.

3.The Superintendent of Prison,
Salem Central Prison,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to grant one month ordinary leave without escort for the purpose of rejuvenate the damaged mud house and further make the arrangements of livelihood of his family and settlement of life after his release to the detenu Paramasivam, S/o.Varadhan, Life Convict No.6955 detain in Central Prison, Salem.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

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

The petitioner/detenu, S/o.Varadhan, aged 48, Life Convict, Convict No.6955, now confined at Central Prison, Salem, has filed the present petition seeking a direction to the respondents to grant one month ordinary leave without escort for



the purpose of rejuvenate the damaged mud house and to make the arrangements of livelihood of his family.

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

3. Learned counsel appearing for the petitioner submits that the petitioner/detenu was convicted for the offence u/s.302 IPC and 25(1-B) (a) of the Indian Arms Act and sentenced to life imprisonment in S.C.No.221 of 2005 on the file of 1st Additional District Sessions Judge, Salem and he has been detained in Central Prison, Salem for the past 13 years. For rejuvenating the damaged mud house and for making arrangements of livelihood of his family, the presence of petitioner/detenu is very much required. Hence, the present petition has been filed seeking the aforesaid relief.

4. Heard the learned Additional Public Prosecutor appearing for the respondents on the above submissions.

5. Considering the factual aspects, we are of the view that leave could be granted to the petitioner/detenu for a period of ten days. Accordingly, this Court directs as follows:

- (a) The third respondent is directed to release the life convict Paramasivam, S/o.Varadhan, aged 48, Convict No.6955, now confined at Central Prison, Salem, on ordinary leave for a period of ten days i.e., 10.01.2020 to 19.01.2020.
- (b) The life convict shall be released on 10.01.2020 at 10.00 a.m. and he shall be brought back to the Central Prison, Salem, on 19.01.2020 at 05.00 p.m.
- (c) The life convict shall report before the Vazhappadi Police Station, Salem District, daily at 05.00 p.m. during the leave period.

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

Post 'for reporting compliance' on 22.01.2020.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



To

1. The Home Secretary (Prison),
Home Department,
Secretariat, Fort St. George,
Chennai - 600009.
2. The Additional Director General of Prison
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai - 600008.
3. The Superintendent of Prison,
Salem Central Prison,
Salem District.
4. The Inspector of Police,
Vazhappadi Police Station, Salem.
5. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.P.Muthamizh Selvakumar, Advocate Sr.No. 1617

AKM/09.01.2020/3P-7C /

H.C.P.No.2694 of 2019