

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM

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

H.C.P.No.2851 of 2019

Sakthivel
S/o.Arjunan

... Petitioner

Vs

The State represented by its

1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai - 600009.

2.The Additional Director General of Prison,
Egmore, Chennai - 600008.

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing respondents to grant ordinary leave for 30 days without escort to the detenu Arjunan, aged about 55 years, S/o.Duraisamy, Life Convict, Convict No.11251, detained at Central Prison, Kovai.

For Petitioner : Dr.S.Manoharan

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

O R D E R

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

Petitioner, who is the son of Arjunan, aged about 55 years, S/o.Duraisamy, Life Convict, Convict No.11251, confined at Central Prison, Kovai, has filed the present petition seeking a direction to respondents to grant ordinary leave to the detenu for 30 days without escort.

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

3. Learned counsel for petitioner submits that petitioner's father was convicted for an offence u/s.302 IPC and sentenced to life imprisonment in S.C.No.18 of 2007 on the file of learned Additional District and Sessions Judge, Fast Track Court II, Salem. Learned counsel submits that the presence of life convict is necessary towards making marriage arrangements for the petitioner. Hence, the present petition has been filed seeking the aforesaid relief.

4. Learned Additional Public Prosecutor appearing for respondents produced the report of the Probation Officer. The report of the Probation Officer informs that as per the S.S.L.C. Certificate of the petitioner, his Date of Birth is 09.06.1999 and he has not completed 21 years as on date. Further, on enquiry, it was found that there was no proposal for arranging marriage for the petitioner.

5. In the aforesaid circumstance, this Court finds that the present petition has been filed with false averments and hence, this Court is not inclined to grant leave to the life convict.

Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai - 600009.

2.The Additional Director General of Prison,
Egmore, Chennai - 600008.

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

4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2851 of 2019

srg 07/02/2020



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