IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2020

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

H.C.P.No.2887 of 2019

Thangam ... Petitioner

Vs

1.The Home Secretary,
Home Department,
Secretariat,
Fort St. George,
Chennai.

2.Additional Director of General Police (Prison),
Wannels Road, Egmore,
Chennai-600 008.

3.The Superintendent of Police,
Central Prison,
Cuddalore District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing respondents to grant parole for thirty days to the petitioner's son Manikandan @ Kalaimani (Prisoner No.14935) aged 35 years, now confined in the Central Prison, Cuddalore before the Court and consider the petitioner's representation dated 04.12.2019 and for consequential orders.

For Petitioner : Mr.K.Amirthalingam

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

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O R D E R

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

The petitioner, who is the mother of the life convict viz., Manikandan @ Kalaimani (Prisoner No.14935) aged 35 years, now confined at Central Prison, Cuddalore, has filed the present petition seeking a direction to respondents to grant parole for 30 days to her son.

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

3. Learned counsel for petitioner submits that the petitioner's son is a convict prisoner and presently, he is confined at Central Prison, Cuddalore. He has been in prison for the past 6 years. Since the wife of the detenu died, the detenu's only daughter K.Thangalakshmi, aged 8 years, is now under the custody of the petitioner, who is the grand mother of the child. Learned counsel for the petitioner would further submit that as the detenu's daughter has been suffering from frequent fits and also affected with tuberculosis with Bronchopneumonia, in order to give treatment to her daughter, the presence of the detenu is very much necessary. Since no action was taken, 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 dated 29.01.2020 recommending the leave.

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

(a) Respondents are directed to release the life convict viz., Manikandan @ Kalaimani (Prisoner No.14935) aged 35 years, now confined at Central Prison, Cuddalore, on ordinary leave for a period of two weeks i.e., from 11.02.2020 to 24.02.2020.
(b) The life convict shall be released on 11.02.2020 at 10.00 a.m. and he shall be brought back to the Central Prison, Cuddalore, on 24.02.2020 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.

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

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Post 'for reporting compliance' on 27.02.2020.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Home Secretary,
Home Department,
Secretariat,
Fort St. George,
Chennai.

2.Additional Director of General Police (Prison),
Wannels Road, Egmore,
Chennai-600 008.

3.The Superintendent of Police,
Central Prison,
Cuddalore District.

4.The Public Prosecutor,
High Court, Madras.

5..The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.
6.The Inspector General of Police,
Vepery, Chennai.

+1cc to Mr.K.Amirthalingam , Advocate SR.No. 8480

H.C.P.No.2887 of 2019

A.SK(04/02/2020)

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