



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Monday, the Twentieth day of July Two Thousand Twenty
PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
AND

The Hon`ble Mr.Justice P.RAJAMANICKAM
CRL MP(MD). No.3641 of 2020
in

HCP(MD)No. 1380 of 2019

Arumugam
S/o.Vellaichamy Plot No.3615 TNEB Colony
Mela Anuppanadi Madurai(Now Confining at
Madurai Central Prison) ... Petitioner/Detenue

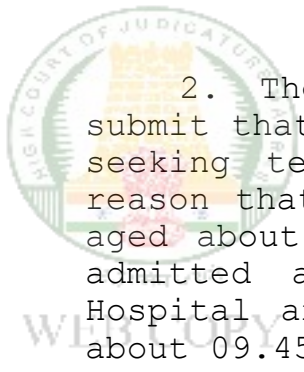
Vs

- 1 The Principal Secretary to Government,
Home Prohibition and Excise Department
Fort.St.George Chennai-600 009
- 2 The Commissioner of Police
Office of the Commissioner of Police
Madurai City Madurai
- 3 The Superintendent of Prison
Madurai Central Prison
Madurai District. ... Respondents/Respondents

Prayer :- This Criminal Miscellaneous Petition filed under Article 226 of the Constitution of India, praying to direct the respondents to grant 10 days temporary release leave to the detenu by name detenu by name Arumugam, son of Vellaichamy, aged, about 25 years, now confining as Goonda at Madurai Central Prison under preventive detention by the order passed by the Respondent No.2, vide his Order in No.101/BCDFGISSSV/2019 dated 19.12.2019 under section 3(1) of Act 14 of 1982 for enabling the petitioner to attend the funeral ceremonies of his mother by name Mrs. Parvathy, W/o. Vellaichamy aged about 58 years forthwith.

ORDER:- This Miscellaneous Petition coming upon for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. R. Alagumani, Advocate for the Petitioner and of Mr. V. Neelakandan, Additional Public Prosecutor, for the respondents, this Court made the following order:

The petitioner branded as a Goonda was detained by the second respondent under Section 2(f) r/w Section 3(2) of the Tamil Nadu Act 14 of 1982, vide order dated 19.12.2019 and challenging the legality of the same, he filed the Habeas Corpus Petition and the learned Additional Public Prosecutor appearing for the State took notice on behalf of the respondents on 30.12.2019 and the same is pending.



2. The learned counsel appearing for the petitioner would submit that the father of the detenu has filed the present petition, seeking ten days temporary release/leave to the detenu for the reason that his wife, Mrs.Parvathy - mother of the detenu, who was aged about 58 years was suffering from Chronic Renal failure, and admitted as an inpatient in LEE Kidney Care Multi Speciality Hospital and she was not responding to the treatment and died at about 09.45 p.m. on 18.07.2020.

3. The learned counsel for the petitioner would submit that in the light of the facts, the detenu happens to be a younger son and his presence is also required for the purpose of final ceremonies and hence, he may be temporarily released to attend the final ceremonies, so as to do last rites to the departed noble soul.

4. Mr.V.Neelakandan, learned Additional Public Prosecutor appearing for the State, on instructions, would submit that it is a fact that the mother of the detenu is no more and further points out that in the adverse case, which is more serious in nature, the petitioner is one of the accused and taking note of the facts and circumstances, this Court may pass appropriate orders.

5. This Court, taking into consideration the rival submissions and also the facts and circumstances of the case, orders the release of the detenu, namely, Mr.Arumugam, Male, aged about 25 years, son of Mr.Vellaichamy, Plot No,3615, TNHB Colony, Mela Anuppanadi, Madurai and directs the third respondent to temporarily release the detenu, namely, Mr.Arumugam, from 04.00 p.m., today (20.07.2020) for attending the final ceremonies of his deceased mother, namely, Late.Mrs.Parvathy, Wife of T.Vellaichamy and he shall report to the third respondent on 23.07.2020 by 04.00 p.m. The detenu shall also report to the Inspector of Police, Keeraithurai Police Station, Madurai, at 08.00 p.m. on 21.07.2020 and 22.07.2020. It is also made clear that the detenu shall not take advantage of his temporary release and indulge in the activities which are prejudicial to the maintenance of law and order and public order and he shall not tamper with the witness and evidences.

6. This Criminal Miscellaneous Petition stands disposed of, accordingly.

7. Call on **24.07.2020**, for reporting compliance.

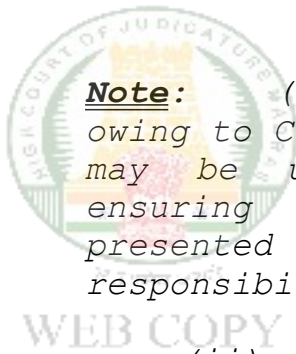
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

(ii) Registry is directed to send this order copy to the respondents through e-mail forthwith.

TO

1. The Principal Secretary to Government,
Home Prohibition and Excise
Department Fort.St.George Chennai-600 009
2. The Commissioner of Police
Office of the Commissioner of Police
Madurai City Madurai
3. The Superintendent of Prison
Madurai Central Prison Madurai District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 20/07/2020

=====
ORDER
=====

CRL MP(MD) . No.3641 of 2020
in
HCP(MD)No. 1380 of 2019

Giving direction and etc.
as stated within.

VB (20.07.2020) 3P 6C