

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

AND

THE HON`BLE MR JUSTICE R.PONGIAPPAN

WMP.No.11143 of 2021

IN WP.No.8224 of 2021

SAKTHIVEL

[PETITIONER]

Vs

1 THE STATE REP BY ITS,
THE SECRETARY TO GOVERNMENT OF
TAMILNADU, DEPARTMENT OF HOME,
FORT ST GEORGE, CHENNAI-600 009.

[RESPONDENTS]

2 THE ADDITIONAL DIRECTOR GENERAL OF PRISON,
EGMORE, CHENNAI- 600 008.

3 THE SUPERINTENDENT,
CENTRAL PRISON, KOVAI-641 018.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a direction directing the respondents to extend the leave for 30 days without escort from 21.04.2021 to the detinue, Arujunan, S/o. Duraisamy aged about 55 years, Convict No. 11251, detained at Central Prison, Coimbatore in WP.No.8224 of 2021 order dated 31.03.2021 (in WMP.No.11143 of 2021).

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.LAKSHMI for MR.S.MANO HARAN, Advocate for the petitioner and of MR.R.PRATHAP KUMAR, Advocate on behalf of the Respondents, the court made the following order:-

(Order of the Court was made by P.N.PRAKASH,J.)

On 31.03.2021, this Court, disposed of W.P.No.8224 of 2021 and adjourned the matter to 23.04.2021 'for reporting compliance', by passing the following order :

respondents to grant leave for 30 days without escort to the detenu Arujunan, aged about 55 years, Convict No.11251, detained at Central Prison, Kovai.

2. Learned counsel appearing for the petitioner submitted that the petitioner is the son of the detenu, who is a life convict, aged about 55 years, has been in jail for the past 13 years and he was convicted and sentenced to undergo life imprisonment in S.C.No.18 of 2007 vide order dated 20.03.2008 by the Additional District and Sessions Judge, FTC II, Salem. Learned counsel appearing for the petitioner further submitted that since the walls and roof of the petitioner's house are damaged, the petitioner finds it difficult to do the repair work without the presence and assistance of the detenu. While doing the repair work, the petitioner has to hire or employ some workers, for which the presence of the father of the petitioner, the detenu is very much required. In this regard, the petitioner made a representation dated 17.03.2020 to the respondents to grant leave for 30 days. As there was no response, the petitioner has been advised to come to this Court to grant leave for 30 days without escort to his father as per Rule 20(iii)(vi) and (vii) of Tamil Nadu Suspension of Sentence Rules 1982.

3. Learned Government Advocate (Criminal Side) appearing for the respondents submitted that since the detenu was earlier granted leave for 11 days, namely from 10.02.2021 to 17.02.2021, now he is eligible only for 9 days. As the report of the Probation Officer is also made available stating his good conduct, if sufficient time is granted, the request of the petitioner would be considered on the basis of Tamil Nadu Suspension of Sentence Rules 1982.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

5. Considering the factual aspects, we are of the view that leave could be granted to the petitioner's father for a period of two weeks. Accordingly, this Court directs as follows:

a) The third respondent is directed to grant an ordinary leave for two weeks to the life convict Arujunan, aged about 55 years, Convict No.11251, detained at Central Prison, i.e., 07.04.2021 to 21.04.2021.

b) The life convict shall be released on 07.04.2021 at 10.00 a.m. and he shall surrender before the Central Prison, Kovai, on 21.04.2021 at 05.00 p.m.

6. The Writ Petition is disposed of with the above directions. Post 'for reporting compliance' on 23.04.2021."

2. Accordingly, the writ petition was listed on 23.04.2021 and since the detenu had suffered heart attack, his leave was extended by this Court vide the following order :

"Today, this matter has been listed under the caption 'for reporting compliance'.

2. The leave that has been granted by this Court, by order dated 31.03.2021, shall continue till 27.04.2021, since it is represented that the detenu is in ICU at Kurinji Hospital, as he has developed serious heart problem.

Post W.M.P.No.11143 of 2021 on 27.04.2021."

3. Today, when this W.M.P. was taken up for hearing, learned Additional Public Prosecutor, on instructions, submitted that the detenu has been discharged from the hospital on 26.04.2021.

4. In view of the above submission, the detenu is directed to surrender before the prison authorities on 29.04.2021. The prison authorities are directed to provide the necessary medical treatment to the detenu.

This W.M.P. stands disposed of with the aforesaid directions.

सत्यमेव जयते

-sd/-
27/04/2021

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Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVERNMENT OF TAMILNADU,
DEPARTMENT OF HOME, FORT ST GEORGE,
CHENNAI-600 009.

2 THE ADDITIONAL DIRECTOR GENERAL OF PRISON,
EGMORE, CHENNAI- 600 008.

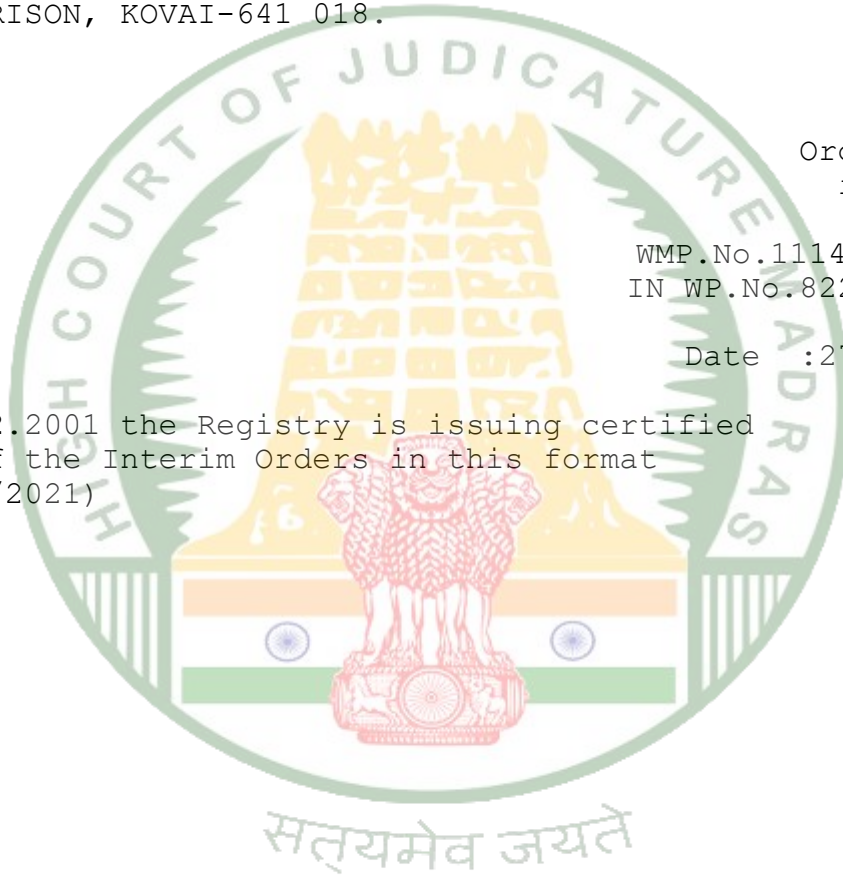
3 THE SUPERINTENDENT,
CENTRAL PRISON, KOVAI-641 018.

Order
in

WMP.No.11143 of 2021
IN WP.No.8224 of 2021

Date :27/04/2021

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