



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Nineteenth day of March Two Thousand Twenty One

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PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM

AND

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD). No.2472 of 2021

in

HCP (MD) NO.37 OF 2021

Veerapandi

S/o. Selvam Suyarajiyapuram 6th Street

Near Ration Shop, Sellur, Madurai. (Now

Confining at Madurai Central Prison)

... Petitioner/Detenu

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.

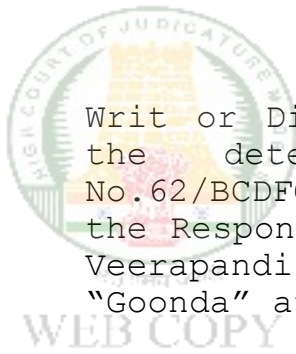
... Respondents

Prayer CRL MP(MD). No.2472 of 2021 :-

Criminal Miscellaneous Petition filed under Article 226 of the Constitution of India, praying to grant 5 days temporary release leave to the detenu by name Veerapandi, age 24 years, S/o.Selvam, now confining as Goonda, Madurai Central Prison under preventive detention by the order passed by the Respondent No.2 in vide his order No.62/BCDFGISSSV/2020 dt.7.11.2020 for enabling the detenu to meet the detenu's mother by name Kaleeswari, wife of Selvam, who is in deathbed and pass such further or others orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in Habeas Corpus Petition(MD) No. 37 of 2021 :

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to Writ of Habeas Corpus or any other



Writ or Direction calling for the entire records, connected with the detentiion order of the Respondent No. 2 in No.62/BCDFGISSSV/2020 dated 07.11.2020 and quash the same and direct the Respondents to produce the body or person of the detenu by name Veerapandi son of Selvam aged about 24 years now detained as "Goonda" at Madurai Central Prison.

ORDER:-

This Criminal Miscellaneous Petition coming on 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. K. Dinesh Babu, Additional Public Prosecutor, for the respondents, this Court made the following order:

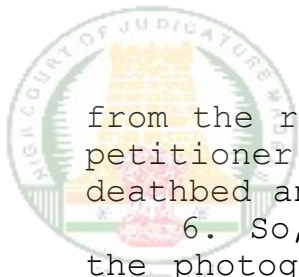
This Criminal Miscellaneous Petition is filed to direct the respondents to grant 5 days temporary release leave to the petitioner, who is detenu by name, Veerapandi, son of Selvam, aged about 24 years, who is detained under Tamil Nadu Act 14 of 1982 by the second respondent, vide detention order No.62/BCDFGISSSV/2020 dated 07.11.2020, has filed this criminal miscellaneous petition seeking direction to the respondents to grant temporary release for five days to meet his mother Kaleeswari, wife of Selvam, who is in deathbed.

2.Pending the main HCP(MD)No.37 of 2021, this Criminal Miscellaneous Petition is moved seeking temporary release of the detenu for 5 days by the learned counsel for the petitioner on the ground that the deteune's mother by name, Kaleeswari wife of Selvam, is in deathbed.

3.Heard Mr.R.Alagumani, the learned counsel appearing for the petitioner and the learned Mr.K.Dinesh Babu, the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. It is contended by the learned counsel for the petitioner that the petitioner's mother is in the deathbed and the detention order passed by the second respondent is challenged in H.C.P.(MD) No.37 of 2021. The petitioner's mother was originally admitted in the Government Rajaji Hospital, Madurai and she was discharged from the hospital, today morning, on the medical advice that her chance of survival is remote. His mother is affected with Tuberculosis and lung decease. After discharge from the hospital in the morning, now she is kept in the residence situated at Suyarajiyapuram 6th Street, Near Ration Shop, Sellur, Madurai. In this connection, on 18.03.2021, the petitioner gave a representation to the respondents seeking temporary release for visiting his ailing mother. According to the petitioner, till now, no positive order has been passed by the authorities concerned.

5. The learned Additional Public Prosecutor, on instructions



from the respondents, would submit that the health condition of the petitioner's mother of the detinue is confirmed and she is in the deathbed and prays this Court to pass appropriate order.

6. So, considering the rival submissions, medical records and the photographs produced by the learned counsel for the petitioner and from the information furnished by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor, it is seen that the mother of the detinue is very seriously ill and in deathbed. So, considering the position of the mother of the detinue, we are of the considered view that the detinue may be grant temporary release from the prison for one day that is on 20.03.2021 to visit his mother in the residence situated at Suyarajiyapuram 6th Street, Near Ration Shop, Sellur, Madurai, so as to enable the petitioner's mother to see her son before her last breath.

7. Accordingly, the petitioner, by name, Veerapandi, is ordered to be granted temporary release from the prison for one day i.e. on 20.03.2021, from 10.00 a.m to 05.00 p.m with escort. After visiting his mother, the petitioner shall be taken back to the prison at 05.00 p.m on 20.03.2021, without fail. This petition is ordered accordingly.

Sd/-

Assistant Registrar (Crl Side)

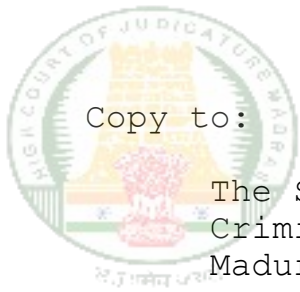
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/ /2021

Sub Assistant Registrar(CS)

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.
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.(2c)

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ORDER DATED : 19/03/2021

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ORDER
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CRL MP(MD) . No.2472 of 2021
in
HCP (MD) NO.37 OF 2021

Giving direction and etc.
as stated within.

KK(19.03.2021) 4P 7C