

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.11149 of 2015

and M.P.No.1 of 2015

T.Ramesh

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The Additional Director General of Police
and Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 3.The Superintendent of Prisons,
Central Prison-I,
Puzhal, Chennai-600 006. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order given by the third respondent in his proceedings No.1510/Tha.ku.2/2015 dated 17.03.2015 and quash the same and further direct the third respondent to release the petitioner (T.Ramesh, Son of Theagarajan, Convict No.1510 now confined in Central Prison-I, Puzhal, Chennai) on parole for one month from 15.06.2015 to 14.07.2015 and allow the petitioner to see his mother and take care of her Heart ailment, Bypass surgery treatment.

For Petitioner : Mr.G.Ravikumar

For Respondents : Mr.V.Subbiah,
Special Government Pleader

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner is a life convict in Convict No.1510 and is detained in Central Prison, Puzhal, Chennai-600 066, in the light of conviction and sentence passed in S.C.No.318 of 1996, on the

file of the learned Principal Sessions Judge, Chennai. The conviction and sentence passed by the trial Court was also confirmed by this Court, vide judgment dated 03.10.2002 made in C.A.No.398 of 1997. According to the petitioner, he is incarcerated right from 02.04.1997 and he is availing leave facilities as per Prison Rules till date. The petitioner would further state that during the period of incarceration, he has completed B.Sc. and M.Com. degree through Open University System and would also state that from the year 2002 onwards, he was released on leave from prison for about 46 times on emergency leave, three times on ordinary Government leave for 3 days twice and for 90 days and ordinary leave for 30 days once and ordinary leave for 4 days as per the directions of this Court in H.C.P.No.2835 of 2014. The petitioner would further state that on all occasions while he was granted leave, he has strictly complied with the conditions and returned to prison on the due date without any default. The petitioner would state that his aged parents are living in Chennai at Door No.5/204, Nethaji Nagar, Mondiamman Nagar, Redhills, Chennai and on account of his brother settled in U.S.A., he could not come and take care of his aged parents and would further state that his mother, namely T.Shanthi suffered from Heart Attack in the month of February 2015 and she was discharged from the hospital with an advice to undergo bypass surgery as early as possible. The petitioner, in this regard, submitted a representation dated 10.03.2015 to the third respondent to release him on parole and it was rejected on 17.03.2015 stating that Rule 22(3) of the Prison Rules does not permit him to avail such a relief and challenging the same, the petitioner has filed this writ petition.

3. Mr.G.Ravikumar, learned counsel appearing for the petitioner would submit that the request made by the petitioner is purely on equitable and humanitarian ground for the reason that his mother is advised to undergo bypass surgery on 28.06.2015 and since his brother is in U.S.A., he could not all the way come from that place and therefore, his presence is absolutely necessary to take care of the welfare of his mother and also draw the attention of this Court to para 5 of the affidavit and would submit that though he was granted leave on very many occasions without any escort, he has promptly returned to prison on the due date and hence, prays for appropriate orders.

4. Mr.V.Subbiah, learned Special Government Pleader appearing for the respondents would submit that in terms of Rule 22(3) of the Prison Rules, the petitioner is not entitled to leave and based on the same only, the representation of the mother of the petitioner was rightly rejected.

5. This Court, after careful consideration of rival submissions, is of the view that the petitioner is entitled to be released on parole purely on humanitarian and equitable ground. It is not in serious dispute that the petitioner's mother suffered

heart attack and was advised to undergo bypass surgery, which is scheduled to be performed on 28.06.2015. It is the specific case of the petitioner that earlier he was released on leave on very many occasions without escort and he has promptly returned to prison on the due dates.

6. In the light of the above facts and circumstances, this writ petition is disposed of and the petitioner is directed to be released on parole and the respondents 2 and 3 are directed to release the petitioner on parole on 24.06.2015 at 11.00 a.m and the third respondent is at discretion to release the petitioner with or without escort, taking into consideration his past conduct and the petitioner shall report back to the third respondent on 01.07.2015 before 5.00 p.m and for the leave/parole period between 24.06.2015 to 01.07.2015, the petitioner shall report before G3 Police Station, Kilpauk, Chennai-600010, daily between 7.00 a.m and 8.00 a.m. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The Additional Director General of Police
and Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 3.The Superintendent of Prisons,
Central Prison-I, Puzhal, Chennai-600 006.'
- 4.The Inspector of Police,
G3 Police Station, Kilpauk, Chennai-600 010.

+1 cc to Mr.G.Ravikumar, Advocate,SR.29475

+1 cc to Government Pleader,SR.29525.

Jsv(co)
krd 18/6

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