

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.28900 of 2015

S.Manjula

...Petitioner

vs.

1. The Superintendent of Jail,
Vellore Central Prison,
Vellore,

2. The Inspector of Police,
Tiruvannamalai PEW,
Tiruvannamalai District.

...Respondents

Petition is filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the first respondent to grant leave/ parole for ten days to the petitioner's husband namely G.Shankar, S/o.Govindasamy, who is confined in Central Prison, Vellore enabling him to attend his father's funeral, who died on 11.09.2015.

For Petitioner : Mr.G.Magesh Kumar

For respondents : Mr.S.Diwakar,AGP

ORDER

The petitioner herein is the wife of remand prisoner - G.Shankar, S/o.Govindasamy, who was arrested invoking Act 14 of 1982. He has been prisoner from 4.9.2015 onwards. Today, a representation has been given by the petitioner to the 1st respondent stating that his father-in-law has passed away and therefore her husband - the remand prisoner should be allowed to come out of the prison to attend the funeral and perform the ceremony.

2. In view of the urgency of the matter, a mention has been made and the matter has been taken up now.

3. Learned Government Pleader, who got instructions from the 1st respondent, while acknowledging the factum of the death of the father of the detenu, submitted that there is no provision in the Jail Manual as well as in the Suspension of Sentence Rules, 1982, enabling the 1st respondent to release, as it is for the concerned District collector and the Government to do so.

4. The situation warrants an urgent action. When there is no dispute that the detenu's father died, then necessarily he has to be given sufficient time to attend the funeral and perform the ceremonies.

5. Accordingly, the writ petition is disposed of directing the respondents to release the petitioner's husband Shankar for a period of four days i.e., from 12.9.2015 onwards, subject to the conditions that can be imposed including the necessary escort. The detenu will have to come back to the Central Prison, Vellore on or before 10.00 a.m on 16.09.2015. No costs.

Sd/-
Deputy Registrar (J)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Jail,
Vellore Central Prison,
Vellore,

2. The Inspector of Police,
Tiruvannamalai PEW,
Tiruvannamalai District.

1 CC to Mr.G.Magesh Kumar , Advocate SR.No. 49813

1 CC to the Government Pleader, SR.No. 49825

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CA (CO)
PSI (11.09.2015)