

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.9.2015

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.29849 of 2015

S.Manjula

..Petitioner

vs.

1. The District Collector and District Magistrate
Tiruvannamalai District

2. The Superintendent of Jail
Vellore Central Prison
Vellore

... Respondents

Writ petition filed under Article 226 of the Constitution of India for a writ of mandamus directing the second respondent herein to grant leave/parole for five days to the petitioner's husband, namely, G.Shankar S/o. Govindasamy, who is confined in Central Prison, Vellore, vide detention Order in D.O.No.48/2015-C2 dated 03.9.2015 issued by the first respondent, enabling the petitioner's husband to attend his father 16th day death ceremony falling on 26.9.2015.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed by the wife of the detenu Sankar, S/o. Govindhasamy Gounder, aged about 48 years, who has been detained under the Tamil Nadu Act 14 of 1982 and now confined in the Central Prison, Vellore, seeking leave/parole for five days.

2. Earlier this Court, in WP.No.28900 of 2015, passed an order on 11.09.2015, after hearing the learned counsel for the petitioner/wife and the learned Additional Government Pleader, granting four days parole to the detenu to attend his father's funeral and perform the ceremonies. This Court released the detenu on 4 days parole, namely from 12.9.2015 to 15.9.2015, following the usual procedure, including the bandobust at the cost of the petitioner. Now the learned counsel for the petitioner has filed this petition with the aforesaid prayer.

3. According to the learned counsel for the petitioner, as per

the earlier order, the detenu availed the parole granted by this Court by paying the expenses to the escorts. Now, it is his case that 16th day of death ceremony of detenu's father falling on 26.9.2015 and therefore, the need to go on parole has come to the detenu to go and attend his father's 16th death day ceremony. Hence, the petitioner seeks parole for five days.

4. Per contra, learned Public Prosecutor while opposing this petition, would submit that already parole was granted to the detenu to attend his father's funeral. Hence, he would pray for the dismissal of the above petition.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner, earlier, after availing four days parole, has surrendered back as per the order of this Court, I am inclined to grant two days parole to the detenu. Accordingly, the following order is passed:-

[1] The detenu, viz., Sankar S/o. Govindhasamy Gounder, who is now detained in the Central Prison, Vellore, is granted 2 days parole, i.e. on 26.9.2015 and 27.09.2015, to enable the detenu to attend his father's 16th day death ceremony.

[2] The 1st respondent shall direct the Superintendent of Central Prison, Vellore, to pass necessary and appropriate orders releasing the detenu Sankar, S/o. Govindhasamy Gounder, aged 48 years, from the Central Prison, Vellore, on PAROLE for two days i.e. from 08.00 a.m. on 26.09.2015 to till 27.09.2015 3.00 p.m, subject to the conditions that can be imposed including the necessary escort.

[3] The Jail Authorities are directed to release the detenu, namely, Sankar, S/o. Govindhasamy Gounder, on production of this order.

[4] It is made clear that the detenu should be brought back to the Central Prison, Vellore, before 5.00 p.m. on 27.09.2015 without fail.

[5] The Jail Authorities, during the period of parole, shall provide proper escort to the detenu in order to ensure the safety and security of the detenu at the cost of the detenu.

[7] This order should be strictly complied with by the party concerned. It is made clear that the above order is passed only for the purpose of enabling the detenu to attend his father's 16th death day ceremony.

Post on 28.09.2015 for reporting compliance.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

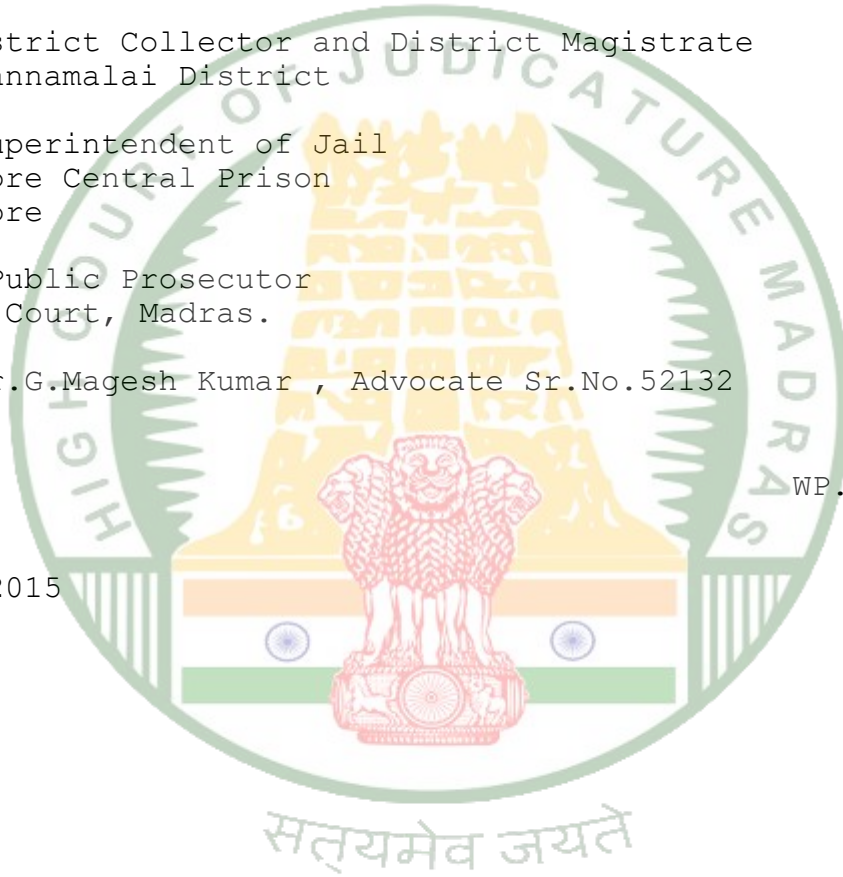
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To

1. The District Collector and District Magistrate
Tiruvannamalai District
 2. The Superintendent of Jail
Vellore Central Prison
Vellore
 3. The Public Prosecutor
High Court, Madras.
- 2 cc to Mr.G.Magesh Kumar , Advocate Sr.No.52132

gp(co)
pmk.25.9.2015

WP.No.29849 of 2015



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