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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

CRL.O.P.(MD)No.11461 of 2015

Sakthiyendran ... Petitioner/13th Accused

vs.

1.The Superintendent of Jail,
Central Prison, Madurai. ...1st Respondent/Respondent

2.The Inspector of Police,
C-2, Subramaniapuram (L&O)
Police Station,
Madurai.
In Crime No.593 of 2015. ...2nd Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to grant emergency leave for a period of ten days ie., on from today (22.06.2015 to 01.07.2015 to the remand prisoner namely Sakthiyendran, S/o.Krishnan now confined in Central Prison, Madurai under the first respondent.

For Petitioner : Mr.M.Karunanithi for
M/S.K.J.Associates

For Respondents : Mrs.S.Prabha
Government Advocate

ORDER

This Criminal Original Petition has been filed to direct the the first respondent to grant emergency leave for a period of ten days ie., on from today (22.06.2015 to 01.07.2015) to the remand prisoner namely Sakthiyendran, S/o.Krishnan now confined in Central Prison, Madurai under the first respondent.

2.Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondents.

3.The petitioner is the only son of his father. In pursuant to the surrender, the petitioner has been remanded in respect of the case registered in Crime No.593 of 2015 for the alleged offences under Sections 147, 148, 294(b), 302, 506(ii), 120(b) r/w 109 of I.P.C., and 25(1)(A) of Arms Act. At present the petitioner confined in Central Prison, Madurai under the first respondent, seeking permission to attend the funeral rites of



his father, the petitioner has filed this petition.

4.The learned Government Advocate (Cr1.Side) on instructions would submit that it is true that the petitioner's father died. She further submitted that an application filed before the Court below seeking police custody is still pending.

5.Merely because, the police custody has been sought for, the petitioner cannot be denied permission to attend the funeral function of his father. The petitioner's father died on 21.06.2015. Therefore, this Court is inclined to grant the relief and accordingly, the petitioner is granted two days permission ie., starting from 23.06.2015 at 10.00 a.m., and till 05.30 p.m., on 24.06.2015". The petitioner shall be accompanied by the police personnel as per the procedure.

Sd/-

Assistant Registrar (Per.Admn)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.IV,
Madurai.

2.The Superintendent of Jail,
Central Prison, Madurai.
(In Duplicate to serve on the accused)

3.The Inspector of Police,
C-2, Subramaniapuram (L&O)
Police Station, Madurai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.K.J.Associates, Advocate Sr.No.32579

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akm/PPS/2P-7C/22.06.15

Cr1.O.P (MD) No.11461 of 2015
22.06.2015