



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.01.2015

WEB COPY

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**THE HONOURABLE MR.JUSTICE A.SELVAM
AND
THE HONOURABLE MR.JUSTICE T.MATHIVANAN**

Sub A(MD)No.192 of 2014
in
Cont P(MD)No.422 of 2014

Arokkiyammal .. Petitioner/Petitioner

Vs.

- 1.Mr.Apoorva Verma I.A.S.,
Principal Secretary to Government,
Home (Prison) Department,
T.N.Government Chief Secretariat
St.George Fort, Chennai-600 009.
- 2.Mr.J.K.Tripathi I.P.S.,
Additional D.G.P/I.G of Prisons,
C.M.D.A towers II
No.I, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 3.Mr.Arivudai Nambi
Superintendent of Prisons,
Central Prison,
Madurai - 625 016. .. Respondents/Respondents

Sub Application filed praying to issue an interim direction granting parole for a period pending disposal of Contempt Petition (MD)No.422 of 2014 to the detenu Ramesh S/o.Murugesan, C.P.No.4962 presently lodged in Madurai Central Prison on executing his personal bond with the 3rd respondent.

PRAYER IN CONT P(MD).No.422 of 2014:

Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to summon the respondents herein and punish them for their willful disobedience of the order dated 24.03.2014 of this Hon'ble Court in HCP(MD).No.52/2014 and to pass such orders or other orders as it may deem fit and proper in the circumstance of the case and thus render justice.



For Petitioner : M/s.Jacob and Jacob Associates
Mr.R.Venkateswaran

For RR - 1 to 3 : Mr.T.Mohan
Addl.Public Prosecutor

ORDER

(Order of the Court was made by **A.SELVAM, J.**)

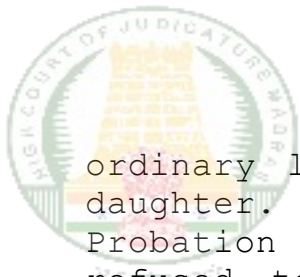
This Petition has been filed praying to grant parole for a period pending disposal of Contempt Petition (MD)No.422 of 2014 to the detenu by name Ramesh S/o.Murugesan.

2. It is averred in the petition that as per order passed in HCP(MD)No.52 of 2014, the concerned authorities have been directed to release the detenu by name Ramesh S/o.Murugesan. Even though specific direction has been given to the Authorities, so far the detenu has not been released from custody. Under the said circumstances, Contempt Petition (MD) No.422 of 2014 has been filed. Further it is stated in the petition that the daughter of the detenu by name Priyanka is going to be married on 18.01.2015 and therefore, a petition has been submitted to the third respondent viz., Superintendent of Prisons, Central Prison, Madurai. But the third respondent has rejected the claim of the detenu by way of holding that the detenu is not entitled to get ordinary leave. However, the third respondent has observed that the detenu is entitled to get emergency leave. Under the said circumstances, the present petition has been filed.

3. On the side of the respondents a detailed counter has been filed, wherein it has been contended to the effect that all the averments made in the petition are false and as per reports submitted by the Probation Officers as well as Inspector of Police, the third respondent has rightly refused to grant ordinary leave to the detenu and at the most, the detenu is entitled to get emergency leave and altogether, the present petition deserves to be dismissed.

4. It is an admitted fact that as per order passed in HCP(MD)No.52 of 2014, the concerned Authorities found therein are directed to release the detenu. But, however on the basis of recent verdict given by the Hon'ble Apex Court, the order passed in HCP(MD)No.52 of 2014 cannot be implemented.

<https://hcservices.ecourts.gov.in/hcservices/> is seen from the records that the detenu has submitted an application to the third respondent so as to grant



ordinary leave for the purpose of attending marriage of his daughter. The third respondent on the basis of reports given by Probation Officers as well as concerned Inspector of Police, has refused to grant ordinary leave to the detenu. However, he observed that the detenu is entitled to get emergency leave.

6. The present petition has been filed only for granting interim parole to the detenu.

7. The learned counsel appearing for the petitioner has relied upon Rule 20(iv) of the Tamil Nadu Suspension of Sentence Rules, 1982 and the same reads as follows:

"to make arrangements or to participate in the marriage of the prisoner, sons, daughters, full brother or full sisters, as the case may be, of the prisoner."

8. It is an admitted fact that Rule 20 of the said Rules deals with granting of ordinary leave. Therefore, it is quite clear that as per Rule 20(iv), the detenu is entitled to get ordinary leave in lieu

of marriage of his daughter. The third respondent has refused to grant ordinary leave merely on the basis of reports given by Probation Officers as well as concerned Inspector of Police. Considering the fact that as per Rule 20(iv) the detneu is entitled to avail ordinary leave, the rejection made by the third respondent in granting ordinary leave in favour of the detenu is erroneous. Under the said circumstances, the third respondent can be directed as follows:

9. In fine, the petitioner or detenu is directed to submit a fresh application to the third respondent viz., Superintendent of Prisons, Central Prison, Madurai and the third respondent is directed to invoke Rule 20(iv) of the Tamil Nadu Suspension of Sentence Rules, 1982 and also directed to grant ordinary leave (parole) accordingly so as to attend marriage of daughter of the detenu and this petition is disposed of on the basis of the direction given above.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1. Mr. Apoorva Verma I.A.S.,
Principal Secretary to Government,
Home (Prison) Department,
T.N. Government Chief Secretariat
St. George Fort, Chennai-600 009.
2. Mr. J.K. Tripathi I.P.S.,
Additional D.G.P./I.G of Prisons,
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No. I, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. Mr. Arivudai Nambi
Superintendent of Prisons,
Central Prison,
Madurai - 625 016
4. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. Jacob and Jacob Associates, Advocate Sr.No.851
mj
AA/12.01.2015/4p- 6c/

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