



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2015
CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.16771 of 2014

Chinnammal .. Petitioner

Vs.

- 1.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 9.
- 2.The Additional Director General
of Police (Prisons),
Tamil Nadu Prison Department,
Chennai Metropolitan Development
Authority Tower - II,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.
- 3.The Superintendent of Central Prison,
Madurai.
- 4.Institute of Mental Health,
Rep. By its Director,
Kilpauk,
Chennai - 600 010.

.. Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to direct the respondents to release the petitioner's son, life convict Mariappan, Son of Rathinam, confined in Central Prison, Madurai on medical grounds as per Rule 632 of the Tamil Nadu Prison Rules, who is undergoing life imprisonment for the offence under Sections 302 and 449 of the Indian Penal Code imposed in Sessions Case No.390 of 2002 on the file of the Additional District Court (Fast Track Court), Periyakulam and pass such further or other orders.

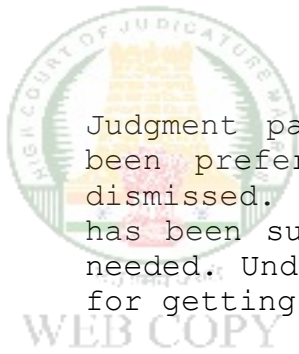
For Petitioner : Mr.A.Rahul

For Respondents : Mr.M.Azhaguthevan
Special Government Pleader

ORDER

(ORDER of the Court was delivered
by A.SELVAM,J.)

This Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus by way of giving necessary direction to the respondents to release the son of the petitioner by name Mariappan, who is nothing but a life convict, as per verdict given in Sessions Case No.390 of 2002 on the file of the Additional District Court (Fast Track Court), Periyakulam, wherein a life sentence has been awarded. Against the conviction and sentence passed by the trial Court, Criminal Appeal(MD)No.1556 of 2003 has been preferred on the file of the High Court and the same has been dismissed. Against the



Judgment passed by the High Court, Criminal Appeal No.926 of 2009 has been preferred before the Supreme Court and the same has also been dismissed. It is stated in the petition that the son of the petitioner has been suffered from mental illness and immediate medical treatment is needed. Under the said circumstances, the present petition has been filed for getting the relief sought for therein.

2. In the counter filed on the side of the respondents, it is stated that the son of the petitioner has been suffered from paranoid schizophrenia and necessary treatments have been given. Under the said circumstances, the relief sought for in the petition cannot be granted.

3. The learned counsel appearing for the petitioner has contended that even in the counter filed on the side of the respondents it has been clearly stated that the son of the petitioner has been suffered from mental illness and therefore, immediate medical treatment is needed. Under the said circumstances, as per Rule 632 of the Tamil Nadu Prison Rules, the present petition has been filed for getting the relief sought for therein.

4. The learned Special Government Pleader has contended that the son of the petitioner has been suffered from paranoid schizophrenia and the same has had happened during intermittent intervals and the same is susceptible to medical treatment and proper medical treatment is being given to him and therefore, the relief sought for in the petition need not be granted.

5. Considering the materials available in the counter, this Court is of the view that the son of the petitioner has been suffered from paranoid schizophrenia and the same has had happened during intermittent intervals and further it can be susceptible to medical treatment. Since the son of the petitioner has been given proper treatment for his alleged disease, the relief sought for in the petition cannot be granted even though a provision is available, as pointed out on the side of the petitioner.

6. The learned counsel appearing for the petitioner has contended that the son of the petitioner is entitled to get parole on the ground of medical treatment. If that be the case, either the petitioner or her son can submit a proper representation before the concerned jail authority for getting eligible leave. With the above observation, this Writ Petition is liable to be disposed of.

7. In fine, this Writ Petition is disposed of on the basis of the observation made earlier. However, it is made clear that if the son of the petitioner wants to avail parole, necessary representation must be given to the concerned jail authority. The concerned jail authority must consider the same as per the Tamil Nadu Prison Rules and pass orders. No costs.

Sd/-
Assistant Registrar (T&P)

/True copy/



To

1.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 9.

2.The Additional Director General
of Police (Prisons),
Tamil Nadu Prison Department,
Chennai Metropolitan Development
Authority Tower - II,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

3.The Superintendent of Central Prison,
Madurai.

4.The Director,
Institute of Mental Health,
Kilpauk,
Chennai - 600 010.

+1cc to Mr.A.Rahul, Advocate in SR.No.10904
+1cc to Special Government Pleader in SR.No.1179

Sm:13.03.2015:3P/7C:

ORDER MADE IN
W.P (MD) No.16771 of 2014
06.03.2015