



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition (MD)No.21348 of 2014

G.Jeyalakshmi

... Petitioner

Vs.

1.The Home Secretary,
Fort St., George,
Chennai.

2.The Deputy Inspector of General,
Madurai Central Prison,
Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai 16.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the Petitioner's representation dated 10.09.2014 and direct them to grant ordinary leave for one month to the Petitioner's son T. Kannan @ Ganesh Kannan from the day of 3rd January 2015 to 1st February 2015 who is confined at Central Prison Madurai as convict prisoner (C.P. No. 4736) for assisting the Petitioner at the time of the Petitioner's Cataract Eye Operation and also for doing repair work at the Petitioner's house at Iyer Bungalow, Kannanendhal.

For Petitioner : Mr.K.Muthumalai

For Respondents : Mr.R.Karthikeyan,
Additional Government Pleader.

ORDER

This writ petition has been filed to direct the respondents to consider the petitioner's representation, dated 10.09.2014 and to grant ordinary leave for one month to the petitioner's son T. Kannan @ Ganesh Kannan from the day of 3rd January 2015 to 1st February 2015 who is confined at Central Prison, Madurai as convict prisoner (C.P.No.4736) for assisting the petitioner at the time of the petitioner's Cataract Eye Operation.

2.The son of the petitioner by name T.Kannan @ Ganeshkannan, S/o.P.Thangaraj was convicted by the First Additional Sessions Court cum Fast Track Court No.1, Madurai, as per judgment dated 27.09.2007 in C.C.No.109 of 1999 and sentenced to undergo life imprisonment. The appeal preferred against the said judgment was dismissed by this Court in



C.A.No.514 of 2007. The said judgment was challenged before the Hon'ble Supreme Court by filing Criminal Appeal No.2183 of 2009 which is stated to be pending.

3.It is stated that since the petitioner is going to undergo cataract eye operation in a local hospital, the petitioner made an application before the respondents to grant one month ordinary leave to the life convict namely, the petitioner's son to assist her at the time of the petitioner's cataract eye operation. Since no orders have been passed so far, the present writ petition has been filed for the aforementioned relief.

4.I have heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents.

5.The documents produced by the petitioner clearly indicates that the petitioner is undergoing treatment for her illness and it was only under the said circumstances, the petitioner approached the respondents by way of her representation dated 10.09.2014.

6.The grant of parole by giving ordinary and emergency leave is governed by Tamil Nadu Suspension of Sentence Rules, 1982. Rule 5 deals with two kinds of leave viz., emergency leave and ordinary leave. Rule 6 provides that emergency leave may be granted for attending death or serious illness of father, mother, wife, husband, son, daughter, full brother or full sister or the wedding of son, daughter, full brother or full sister of the convict.

7.In such view of the matter, the third respondent is directed to grant four days emergency leave to the life convict Mr T.Kannan @ Ganeshkannan, S/o.P.Thangaraj (C.P.No.4736). The life convict shall surrender by 05.00 p.m., after the completion of leave period. The life convict should also give an undertaking with regard to his return to the prison after the expiry of the emergency leave. Since the petitioner is a senior citizen and widow and taking into account her financial condition, there shall be a direction to the third respondent to collect Rs.7,500/- as charges for police escort and other related expenses from the petitioner or the life convict.

8.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(C.S.)

To

1.The Home Secretary,
<https://hcservices.ecourts.gov.in/hcservices/>,
George,
Chennai.



2.The Deputy Inspector of General,
Madurai Central Prison,
Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai 16.

+1cc to Mr. K.Muthumalai,Advocate in SR.No. 2419

+1cc to Special Government Pleader in SR.No. 2209.

TS/29.01.2015/3P-6C

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