

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

* * *

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 38453 of 2015

BETWEEN

M.Venkata Subba Reddy

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary to Government and others

...RESPONDENTS

Date of Order pronounced: 26.11.2015

ORDER:

This writ petition was filed with the following prayer:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon’ble Court may be pleased to issue a writ, order of direction more particularlt one in the nature of writ of Mandamus to declare the action of the respondent No.2 in not considering the case of the petitioner for release for one day enabling him to attend General Body meeting in the 3rd respondent office scheduled to be held on 30.11.2015 or producing him under escort before the 3rd respondent office on 30.11.2015 as arbitrary, illegal and consequently direct the 2nd respondent either to release the petitioner for a period of one day on 30.11.2015 or produce the

petitioner under escort before the 3rd respondent office on 30.11.2015 enabling him to attend the General Body meeting in the interest of justice.”

2. The petitioner is admittedly undergoing imprisonment having suffered a conviction under Section 304 Part-II IPC. His endeavour, by way of this writ petition, is to attend a General Body Meeting of the Pullampeta Mandal Praja Parishad, of which he is the President.

3. Though Sri Nagendra Reddy, learned counsel for the petitioner, would contend that the petitioner is entitled to be released upon remission of his sentence in terms of the relevant Rules, that is not the issue before this Court. The only justification offered in support of the prayer in this writ petition is that the petitioner would suffer ineligibility in terms of the Andhra Pradesh Panchayat Raj Act, 1994,

if he fails to attend three meetings of the Mandal Praja Parishad consecutively.

4. However once the petitioner suffered a conviction and is, by law, required to undergo a sentence of imprisonment consequent thereupon, he cannot claim any right to lead a normal life.

The petitioner's entitlement to continue as the President or as a Member of the Mandal Praja Parishad would be subject to his undergoing the sentence of imprisonment imposed upon him in accordance with law.

4. Sri Nagendra Reddy, learned counsel, would further contend that the Prison Rules permit release of the imprisoned convicts if the circumstances warrant. However, it is for the authorities concerned to decide as to what circumstances would warrant exercise of this power.

5. Learned Special Government Pleader appearing for the State would contend that the atmosphere in the subject area is charged owing to certain political issues and that it would not be advisable to allow the petitioner to leave the prison at this stage.

6. Though Sri Nagendra Reddy, learned counsel, would rely upon the interim order granted by this Court in W.P.No.17924 of 2014, whereby a President of a Mandal Praja Parishad

was permitted to be released from prison with an Escort to attend a meeting, this court is of the opinion that each case must turn upon its own facts and there can be no precedent insofar as interim orders are concerned.

7. Given the facts of the present case and the stand of the State, as put forth by the learned Special Government Pleader, this Court is of the opinion that the prayer of the petitioner cannot be countenanced.

The writ petition is devoid of merit and it is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

November 26, 2015

Note: -

Furnish copy today.

{B/o} Lmv