

Crl.M.P.No.11437 of 2016
in H.C.P.No.2159 of 2016

M.JAICHANDREN.,J
and
S.BASKARAN., J

[Order of the Court was made by M. JAICHANDREN,J.]

This petition has been filed by the sister of the detenu, namely, detenu, Varathan @ Pannai Varathan, S/o Krishnan, who has been detained under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), vide Detention Order in MEMO.NO.931/BCDFGISSV/2016 dated 20.08.2016 passed by the 1st respondent herein seeking permission to release the detenu, namely, Varathan @ Pannai Varathan, S/o Krishnan, on parole for 5 days to attend the funeral ceremony of their mother and the detenu is said to be in Central Prison, Puzhal No.II, Chennai.

2. It has been stated that the mother of the detenu viz., Kamatchi, had passed away on 25.10.2016. Hence, the sister/petitioner herein has filed the above petition .

3. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

4. According to the petitioner, her brother Varathan @ Pannai Varathan, S/o Krishnan, has been detained in the Central Prison, Puzhal No.II, Chennai under Act 14 /1982. The order of detention was passed on 20.08.2016. Whiles, his mother, viz., Kamatchi, had expired on 25.10.2016, at 07.00 a.m., at Kamatchi Medical College Hospital, Chennai. It has been further stated that the detenu is the only son of his mother Kamatchi, who had expired, and therefore, it is necessary for him to perform the funeral ceremony of their mother, which is scheduled to be held on 26.10.2016, and that the presence of the detenu is essential. Hence, the learned counsel for the petitioner has prayed that this Court may please to permit the detenu viz., Varathan @ Pannai Varathan, S/o Krishnan to go to Avadi, Chennai, to perform the funeral ceremony of his mother, who had expired on 25.10.2016.

5. The learned Additional Public Prosecutor has no objection for this Court passing such an order.

6. For the reasons stated in the affidavit filed in support of the petition, we find it appropriate to grant three days' leave to the detenu Varathan @ Pannai Varathan, S/o Krishnan, who is now confined in Central Prison, Puzhal No.II, Chennai, to attend the funeral ceremony of his mother, namely, Kamatchi, at Avadi, Chennai.

5. Accordingly, we pass the following order:

[a] The detenu, namely, Varathan @ Pannai Varathan,

S/o Krishnan, who is now confined in Central Prison, Puzhal No.II, Chennai, is granted **LEAVE** for a period of three days i.e, **FROM 10.00A.M. ON 26.10.2016, TILL 04.00 PM. ON 28.10.2016;**

[b] The Superintendent of Central Prison, Puzhal No.II, Chennai, is hereby directed to pass appropriate orders releasing the detenu, granting him three days leave for the aforesiad purpose;

[c] The Jail Authorities are directed to release the detenu, namely, Varathan @ Pannai Varathan, S/o Krishnan, on production of this order;

[d] It is made clear that the detenu should be brought back to Central Prison, Puzhal, No.II, Chennai, by 4.00 p.m., on 28.10.2016, without fail;

[e] The Jail Authorities, during the period of LEAVE, shall provide proper escort to the detenu in order to ensure the safety and security of the detenu, at the cost of the State Government. They shall also impose suitable conditions to that effect; and

[f] The detenu should also abide by the conditions to be imposed by the authorities concerned.

6. The Miscellaneous Petition is ordered in the above terms.

7. Post on 01.11.2016, for reporting compliance.

(M.J.,J.) (S.B.,J.)

25.10.2016

NOTE:(1)Issue order copy today
(2) Registry is directed to communicate
this order to the Jail Authorities by FAX
as such.

M. JAICHANDREN,J.

AND

S.BASKARAN,J
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