

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM:

THE HON'BLE MS.JUSTICE R.MALA

W.P.No.11837 of 2016

A.Aruna

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by the Principal
Secretary to Government
Home Department
Secretariat
Chennai-600 009.

2.The Commissioner of Police
Chennai City
Vepery, Chennai-7.

3.The Superintendent of Prison
Central Prison-1
Puzhal, Chennai-600 066.

.... Respondents

PRAYER :Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to provide escort enabling the petitioner's husband Mr.Somu alias Somasundaram, son of Subramani, Ct.No.571 now confined in Central Prison I, Puzhal, Chennai-600 066, to avail of six days leave already granted by respondent No.3 to him.

For Petitioner : Mr.P.Pugalenth

For Respondents: Mr.P.Sanjay Gandhi

Addl. Government Pleader

ORDER

The writ petition is filed for issuing a direction to the respondents to provide escort enabling the petitioner's husband Mr.Somu alias Somasundaram, son of Subramani, Ct.No.571 now confined in Central Prison I, Puzhal, Chennai-600 066, to avail of six days leave already granted by respondent No.3 to him.

2.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondent.

3. Even though the learned counsel for the petitioner seeking parole for six days, he now confines his claim as per the order passed by the third respondent on 26.02.2016 for granting three days Parole. However, his main grievance is that he is not able to pay the charge for escort.

4. At this juncture, it is appropriate to consider the counter filed by the respondent, in para-7 it was stated that the petitioner has not paid a sum of Rs.15,070/- as charge for providing security guards during parole period.

5. According to the learned counsel for the petitioner, petitioner's husband/detenu, who is a life convict, is now confined in jail and the petitioner is suffering cardiac problem and hence, she has to undergo treatment.

6. Considering the exigent circumstances and taking note of the fact that the petitioner has been suffering from cardiac problem and she has to undergo surgery, three days time is granted to the detenu/petitioner's husband and he is entitled to escort by free of costs.

7. In view of the aforesaid circumstances, the following order has been passed:

[a] The detenu, namely, Somu alias Somasundaram, son of Subramani, Ct.No.571 now confined in Central Prison I, Puzhal, Chennai-600 066, is granted parole from 06.30 a.m. on 25.04.2016 to 6.30 p.m. on 27.04.2016.

[b] The Superintendent of Prison, Central Prison-I, Puzhal, Chennai-66 is hereby directed to pass appropriate orders releasing the detenu, granting him parole.

[c] The Jail Authorities are directed to release the detenu, namely, Somu alias Somasundaram, son of Subramani, Ct.No.571, on production of this order.

[d] It is made clear that the detenu should be brought back to the Central Prison-I, Puzhal, Chennai by 6.30 p.m. on 27.04.2016 without fail.

[e] The Commissioner of Police/second respondent during the period of parole, shall provide proper escort to the detenu in order to ensure the safety and security of the detenu. They shall also impose suitable conditions to that effect.

[f] The detenu should also abide by the

conditions to be imposed by the authorities concerned.

8.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The State of Tamil Nadu
Rep. by the Principal Secretary to Government
Home Department
Secretariat
Chennai-600 009.

2.The Commissioner of Police
Chennai City
Vepery, Chennai-7.

3.The Superintendent of Prison
Central Prison-1
Puzhal, Chennai-600 066.

4.The Public Prosecutor, High Court, Chennai.

1 cc to Mr.P. Pugalenthir, Advocate Sr.25158

W.P.No.11837 of 2016

LRS(CO)
EU 22.04.2016

सत्यमेव जयते

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