

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.18224 of 2016

Iswarya

[PETITIONER]

Vs

1 The Secretary
Home Department
Government of Tamil Nadu
Fort St. George, Chennai-600 009.

2 The Secretary
Law Department
Govt. of Tamil Nadu
Fort St. George,
Chennai-600 009.

3 The Inspector General of Prisons
Thalamuthu Natarajan Building
No.1, Gandhi Irvin Road,
Chennai-8 .

4 The Superintendent of Central Prison
Special Prison for Women
Puzhal, Chennai.

[RESPONDENTS]

PRAYER:Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to grant parole to the petitioner's mother Mrs.Janaki wife of late Murugan presently confined as Under-Trial prisoner in Central prison Special Prison for Women Puzhal Chennai for a period of ten days from the date of granting parole from 21.05.2016 to 30.05.2016 to enable her to conduct death ceremonies of her only son viz. Malaisamy son of Late Murugan.

For petitioner : Mr.M.S.Charles

For respondents : Mr.Emalias
Addl.Public Prosecutor

O R D E R

This writ petition has been filed for a Writ of Mandamus directing respondents to grant parole to the petitioner's mother Mrs. Janaki wife of late Murugan, presently confined as Under-Trial prisoner in Central prison, Special Prison for Women, Puzhal, Chennai, for a period of ten days from the date of granting parole from 21.05.2016 to 30.05.2016 to enable her to conduct death ceremonies of her only son viz. Malaisamy son of Late Murugan.

2. The Petitioner is the daughter of Mrs. Janaki, wife of late Murugan. The petitioner's mother is under incarceration from the date of arrest i.e. from 17.03.2012 and she was not released on bail.

3. The petitioner would state that her brother/son of Janaki suddenly died on 14.05.2016, at Theni District and hence she is unable to apply for parole. The petitioner would further state that as per the Hindu rites and customs, as the mother of the son who had died, she has to perform and participate in important rituals. In this regard, the petitioner had also submitted a representation to the respondents and no action has been taken. Hence, the petitioner has come forward with this Writ Petition.

4. This Court finds considerable force in the submissions made by the counsel for the Petitioner. When the Prisoners are entitled for parole, even as convict, he/she cannot be put into a much worst off situation, merely because the criminal case is pending consideration. The fact that the convict's son died, is not disputed.

5. Therefore taking note of the aforesaid circumstances, this Court directs the fourth respondent herein to release the Petitioner's mother/ Janaki wife of late Murugan, presently confined in Central Prison, Special Prison for Women, Puzhal, Chennai, as remanded prisoner in C.C.No.35 of 2011, on parole for four days, from 21.05.2016, at 10 a.m., on condition that the said Janaki shall report back to the fourth respondent, the Superintendent of Central Prison, Special Prison for Women, Puzhal, Chennai, by 4.00 p.m. on 24.05.2016. Necessary escort shall be provided to accompany the said Janaki. The Petitioner shall produce all necessary documents along with a copy of this order before the jail authorities. During parole, the convict prisoner shall abide by all the conditions prescribed in the jail manual.

6. Accordingly, this Writ Petition is disposed of. No costs.

rpa

s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary
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+ 2 ccs to Mr.M.S.Charles, Advocate SR 28569

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