

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2016

CORAM

THE HONOURABLE MR . JUSTICE B.RAJENDRAN
AND
THE HONOURABLE MR. JUSTICE N.AUTHINATHAN

HCP.No.2219 of 2016

K.Jayaprakash

.. Petitioner

Versus

1. The Additional Director General of Police
and Inspector General of Prison
Gandhi Irwin Road,
Egmore, Chennai 600 008

2.The Superintendent of Prison
Central Prison, Puzhal
Chennai 600 066

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus for direction to the respondents to release the petitioner's brother Muthukumar, son of Krishnan, convict prisoner No.100, now confined in the Central Prison-I, Puzhal, Chennai on parole for 3 days to perform his demised mother's 16th day last rights obsequies ceremony.

For Petitioner : Mr.P.Bakiyaraj
For Respondents : Mr.P.Govindarajan,
Additional Public Prosecutor

ORDER

[Order of the Court was made by B.RAJENDRAN J.,]

The petitioner/brother of the convict prisoner, viz., Muthukumar, son of Krishnan, has filed the present petition to grant three days parole to the convict prisoner to perform the 16th day last rites obsequies ceremony of the deceased Sundharammal/mother of the convict prisoner.

2.The learned counsel for the petitioner would submit that the convict prisoner / brother of the petitioner herein, has been convicted for an offence punishable under Section 302

of the Indian Penal Code and sentenced to undergo life imprisonment in S.C.No.107 of 2002 by the VII Additional Sessions Judge, Chennai. The conviction and sentence imposed upon the prisoner, have been confirmed by the High Court along with the other co-accused. The learned counsel would further submit that the mother of the convict prisoner, namely Sundharammal died on 1.10.2016 and the convict prisoner has been granted 4 days parole to perform her last rites. The 16th day obsequies ceremony of the deceased/mother of the convict prisoner is going to be performed on 16.10.2016. Hence, the petitioner prays for three days parole to the convict prisoner.

3. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State. We have also gone through the papers available on record.

4. The learned Additional Public Prosecutor would also confirm the fact that the mother of the convict prisoner died on 1.10.2016 and the convict prisoner was released on parole for 4 days and returned back to the Central Prison on 5.10.2016.

5. In view of the above, this Court is inclined to pass the following order:-

[1] The Superintendent of Prison, Central Prison, Puzhal, Chennai is directed to pass necessary and appropriate orders releasing the convict prisoner Muthukumar, son of Krishnan, convict prisoner No.100, from the Central Prison-I, Puzhal, Chennai ON PAROLE for one day from 7.00 a.m. to 6 p.m. on 16.10.2016, to attend his mother's 16th day obsequies ceremony and perform the last rites.

[2] The Jail Authorities are directed to release the convict prisoner, namely, Muthukumar on production of this order.

[3] It is made clear that the convict prisoner should be brought back to the Central Prison, Puzhal, Chennai, before 6.00 p.m. on 16.10.2016 without fail.

[4] The Jail Authorities, during the period of parole, shall provide proper escort to the convict prisoner in order to ensure the safety and security of the convict prisoner.

[5] This order should be strictly complied with by the party concerned. It is made clear that the above order is passed only for the purpose of enabling the convict prisoner to attend his mother's 16th day ceremony.

5.The Habeas Corpus Petition is ordered in the above terms.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ajr/nvsri

To

1. The Additional Director General of Police
and Inspector General of Prison
Gandhi Irwin Road,
Egmore, Chennai 600 008

2.The Superintendent of Prison
Central Prison, Puzhal, Chennai 600 066

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. P. Bakiyaraj, Advocate Sr.NO.58249

HCP.No.2219 of 2016

MD : 14/10/2016

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