

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR
AND
THE HONOURABLE MR. JUSTICE P.KALAIYARASAN

HCP.No.797/2016

Pandiammal

.. Petitioner

Verus

1 The Intelligence Officer
Narcotics Control Bureau
Chennai Zonal Unit
Chennai 600 090.

2 The Superintendent
Central Prison
Puzhal, Chennai.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus to grant parole to the accused for a period of 3 days namely, Rajangam, son of Veeranathevar, who is in judicial custody in the case registered by respondent in NCB F.No.48/1/09/2014-NCB/MDS.

For Petitioner : Mr.R.C.Paul Kanagaraj
For R1 : Mr.N.P.Kumar, Spl.PP [NCB cases]
For R2 : Mr.V.M.R.Rajentran, APP

ORDER

[Order of the Court was made by P.R.SHIVAKUMAR, J,]

The petitioner is the wife of the Under Trial Prisoner Rajangam, S/o.Veeranthevar, who is facing trial for offences punishable u/s.8[c] read with 20[b][ii][c], 27[A], 28 and 29 of NDPS Act, in CC.No.13/2015, pending on the file of the learned Principal Special Judge for NDPS Act Cases, Chennai. The case was registered in NCB F.No.48/1/09/2014-NCB/MDS.

2 As the prisoner was found, according to the case of the prosecution, to possess 170 Kg of Ganja, a commercial quantity, he could not get released on bail. However, citing the sudden death of his father, the Under Trial Prisoner's wife

has approached this Court with the present Habeas Corpus Petition under Article 226 of the Constitution of India, seeking his release on parole for three days, to take part in the last rites of his deceased father.

3 After notice of filing of this petition was given to Mr.V.M.R.Rajentren, learned Additional Public Prosecutor appearing for the 2nd respondent and to Mr.N.P.Kumar, learned Special Public Prosecutor appearing for NCB Cases, the respondent police made verification and found the contention to be correct. The learned Additional Public Prosecutor appearing for the 2nd respondent, on instructions from the police, submits that the father of the Under Trial Prisoner, Rajangam, died at Periyakattalai Village, Chinnakattalai Post, Peraiyur Taluk, Madurai District, today [18.04.2016].

4 Mr.R.C.Paul Kanagaraj, learned counsel appearing for the petitioner submits that Rajangam, being the youngest son, has to perform the last rites of his father as per the custom prevailing in that area and that on humanitarian grounds, he shall be released on parole for three days.

5 The learned Special Public Prosecutor [NCB cases] appearing for the 1st respondent and the learned Additional Public Prosecutor appearing for the 2nd respondent, also do not dispute the custom alleged by Mr.R.C.Paul Kanagaraj and they also do not have serious objections for granting parole on humanitarian grounds. Hence, this Court comes to the conclusion that the relief sought for has to be granted, subject to conditions.

6 Accordingly, this Court passes the following order:-

[a] The Under Trial Prisoner, Rajangam, S/o.Veeranthevar, in NCB F.No.48/1/09/2014-NCB/MDS on the file of the 1st respondent, who is now confined in the Central Prison-II, Puzhal, Chennai, is granted parole for three days, which will commence from 5.00 p.m. today, i.e., 18.04.2016 till 5.00 p.m. on 21.04.2016.

[b] The Under Trial Prisoner shall be permitted to go to Periyakattalai Village, Chinnakattalai Post, Peraiyur Taluk, Madurai District, with sufficient escort police, to ensure that he does not escape.

[c] During the entire period of parole, the Under Trial Prisoner shall be in the observation of the escort police and he shall not be allowed to go anywhere else.

[d] After the ceremonies are over, the Under Trial Prisoner Rajangam, S/o.Veeranathevar, shall be taken back to the Central Prison-II, Puzhal, Chennai, with full escort and lodged in the jail before 5.00 p.m. on 21.04.2016.

7 The Habeas Corpus Petition is ordered accordingly. Post the matter on 22.04.2016 for reporting compliance.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

- 1 The Intelligence Officer
Narcotics Control Bureau
Chennai Zonal Unit
Chennai 600 090.
- 2 The Superintendent
Central Prison, Puzhal-II, Chennai.
(induplicate for
communication to the Accused)
- 3 The Public Prosecutor
High Court, Madras.
- 4 The Special Public Prosecutor
NCB Cases, Chennai.

+ 2 ccs to Mr.R.C. Paul Kanagaraj, Advocate Sr.24055 & 23967

सत्यमेव जयते

HCP.No.797/2016

UG(CO)
Eu 18.04.2016

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