

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.44088 of 2016

B.Raj Prathapan

... Petitioner

Vs

1.The Secretary to Government,
Home Department,
Secretariat, Chennai-9.

2.The Superintendent of Central
Prison-I,
Puzhal, Chennai-66.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to permit the detenu G.Baskaran (Prisoner No.529), son of late Govindasamy to perform detenu's mother's death subsequent ceremony (last rites) on 22.12.2016 and 23.12.2016 (two days jail special leave) respectively.

For Petitioner :Mr.K.Shanmugam

For Respondents :Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to permit the detenu G.Baskaran (Prisoner No.529), son of late Govindasamy to perform the death ceremony of his mother (last rites) on 22.12.2016 and 23.12.2016 (two days jail special leave) respectively.

2. It is the case of the petitioner that his father G.Baskaran was convicted and sentenced to undergo life imprisonment in S.C.Nos.103 of 2003 by the IV Fast Track Court, Singaravelar Maligai, Rajaji Salai, Chennai, and was also convicted and sentenced to undergo life imprisonment in S.C.No.177 of 2004 by the learned I Additional Sessions

Judge, Chennai-104 and now, he is inside the Central Prison, Puzhal, Chennai. While so, the detenu's mother G.Mangai died on 8.12.2016 due to cardiac arrest and the burial was conducted on 9.12.2016. Further, her last ceremony is going to be held on 22.12.2016 and 23.12.2016. Hence, the petitioner seeks a direction to the second respondent to permit the his father G.Baskaran (Prisoner No.529), son of late Govindasamy to perform the death ceremony of his mother (last rites) on 22.12.2016 and 23.12.2016 (two days jail special leave) respectively.

3. I have heard the submissions made by the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, who has taken notice on behalf of the respondents.

4. There is no dispute that the life convict G.Baskaran is the son of the said G.Mangai, who expired on 8.12.2016. It is also not in dispute that her last ceremony is going to be held on 22.12.2016 and 23.12.2016.

5. Considering the facts and circumstances of the case, this Court is inclined to permit the detenu G.Baskaran to perform his mother's last ceremony on 23.12.2016.

6. Accordingly, the second respondent is directed to grant one day parole to the life convict by name G.Baskaran (Prisoner No.529), son of late Govindasamy, to perform the death ceremony of his mother (last rites) on 23.12.2016. The life convict should be released at 9.00 a.m. on 23.12.2016. He should report back at 6.00 p.m. on 23.12.2016. The Superintendent, Central Prison-I, Puzhal, Chennai, is directed to provide necessary escort to the life convict. The life convict should be taken to the place where the obsequies ceremony would take place viz., No.21/16, 3rd Street, Sundarapuram, Pulianthope, Chennai-12, and after the function, he should be taken back to the jail. It is open to the Superintendent, Central Prison-I, Puzhal, Chennai, to impose any other reasonable condition for the safe return of the life convict. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

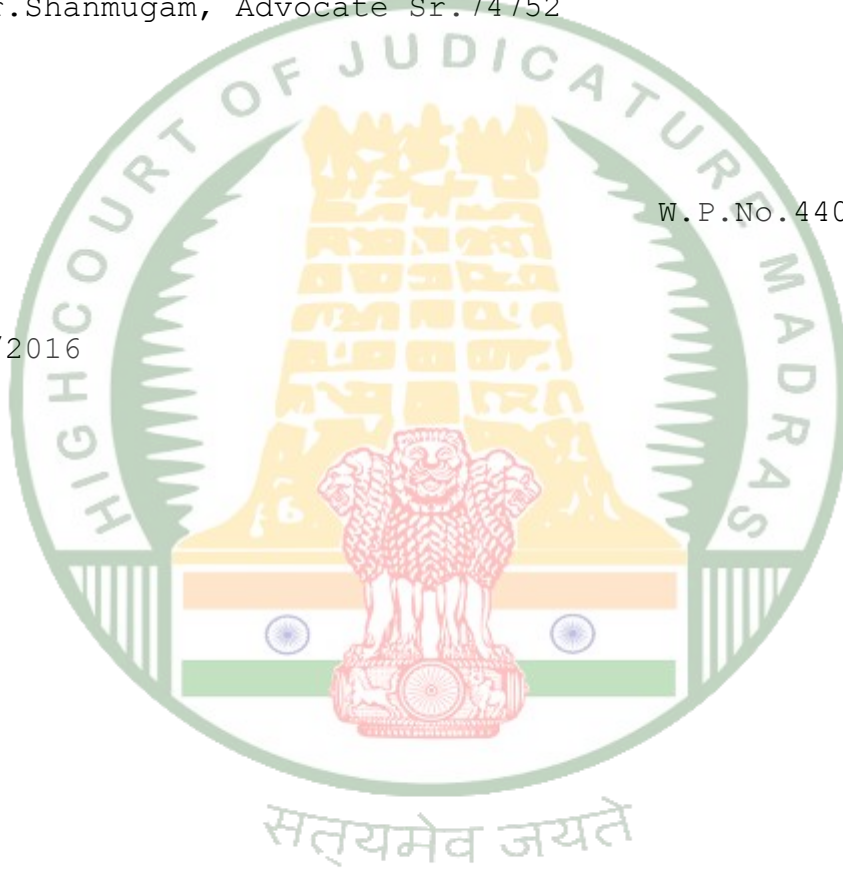
1.The Secretary to Government,
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Secretariat, Chennai-9.

2.The Superintendent of Central
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Puzhal, Chennai-66.

+1cc to Mr.Shanmugam, Advocate Sr.74752

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