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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Third day of December Two Thousand Sixteen
PRESENT

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MRS. JUSTICE J.NISHA BANU

CRL MP(MD) No.12731 of 2016
IN
HCP(MD) No.1385 of 2016

PANDIARAJAN @ "OTHAKKAN" PANDIARAJAN, (A/32),
S/O.NAGARAJAN @ NAGAPPAN,
KARUPPAIAH COMPOUND, THIYAGARAJAR COLONY,
MOOLAKKARAI, PASUMALAI, MADURAI
(NOW CONFINED AT MADURAI CENTRAL PRISON)

... PETITIONER

Vs

1 THE SECRETARY TO GOVERNMENT,
STATE OF TAMIL NADU, HOME,
PROHIBITION AND EXCISE DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 600 009.

2 THE COMMISSIONER OF POLICE,
OFFICE OF THE COMMISSIONER OF POLICE,
MADURAI CITY, MADURAI.

3 THE SUPERINTENDENT OF PRISON,
MADURAI CENTRAL PRISON,
MADURAI DISTRICT.

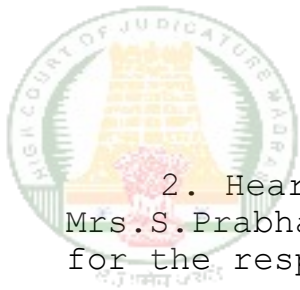
... RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to temporarily release petitioner namely Pandiarajan @ Othakkan Pandiarajan for attending his father namely Nagarajan @ Nagappan's funeral function on 24.12.2016 at Madurai for the period of one week.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.Venkatesan, learned Counsel for the petitioner and of Mrs.S.Prabha, learned Government Advocate (Criminal Side) appearing for the respondents the court made the following order:-

(Order of the Court was made by N.KIRUBAKARAN,J.)

The petitioner, Pandiarajan @ "Othakkan" Pandiarajan, is the detenu under the Tamil Nadu Act 14 of 1982, by virtue of the order dated 04.10.2016. While he is under the detention, his father, Nagarajan @ Nagappan died on 21.12.2016 in the Government Rajaji Hospital, Madurai. Since he is the only son to his father, the present Miscellaneous Petition has been taken out seeking temporary release to perform the last rites.



2. Heard Mr.R.Venkatesan, learned Counsel for the petitioner and Mrs.S.Prabha, learned Government Advocate (Criminal Side) appearing for the respondents.

3. It is admitted that the petitioner's father died on 21.12.2016 and the body is kept in the Government Rajaji Hospital, Madurai and the cremation has to take place on 24.12.2016.

4. Though the learned Counsel for the petitioner sought for 16 days temporary release/parole as the petitioner/detenu is the only son to his father to perform the last rites, Mrs.S.Prabha, learned Government Advocate (Criminal Side) appearing for the respondents opposed the same.

5. Taking into consideration the facts and circumstances of the case, it is appropriate to release the petitioner/detenu, namely, Pandiarajan @ "Othakkan" Pandiarajan, initially for 5 (five) days from 24.12.2016 upto 28.12.2016 and he has to be brought back to the prison on 28.12.2016 by 06.00 p.m. The police shall give appropriate security/escort to the petitioner/detenu during the period of temporary release/parole, since he is under detention. However, the petitioner/detenu is at liberty to move this Court for parole for performing the 16th day ceremonies.

6. Accordingly, this Criminal Miscellaneous Petition is ordered as above.

Sd/-
23.12.2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S-I)

TO

- 1 THE SECRETARY TO GOVERNMENT, STATE OF TAMIL NADU,
HOME, PROHIBITION AND EXCISE DEPARTMENT, FORT ST. GEORGE,
CHENNAI - 600 009.
- 2 THE COMMISSIONER OF POLICE,
OFFICE OF THE COMMISSIONER OF POLICE, MADURAI CITY, MADURAI.
- 3 THE SUPERINTENDENT OF PRISON, MADURAI CENTRAL PRISON,
MADURAI DISTRICT.
- +1. C.C. to M/S.R.ALAGUMANI Advocate SR.No.

ORDER DATED: 23/12/2016

ORDER

CRL MP (MD) No.12731 of 2016

IN

HCP (MD) No.1385 of 2016

Giving directions as stated
within.