



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2016

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THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P(MD)No.11966 of 2016

Amutha

... Petitioner

-vs-

- 1.State of Tamil Nadu,
represented by the Principal Secretary to Government,
Home (Prison V) Department,
Secretariat,
St.George Fort,
Chennai-600 009.
- 2.The Superintendent of Prison,
Central Prison,
Madurai, Madurai District.
- 3.The Inspector of Police,
Kovilankulam Police Station,
Kamuthi Taluk,
Ramnad District.

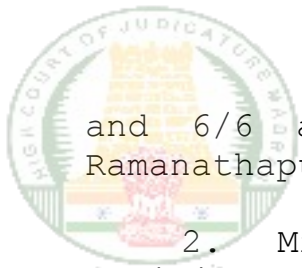
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to release the petitioner's husband Senthooran, S/o Rathina Thevar on parole for the period of one month who has been confined at Madurai, Central Prison to make arrangements for the livelihood of her and her four children by selling his land in Survey Nos.4/1, 27/4, 5/8, 6/2, 6/3, 6/4 and 6/6 at Oosampottal, Karisalkulam Village, Kamuthi Taluk, Ramanathapuram District.

For Petitioner : Mr.S.R.Anbarasu
For Respondents : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

This Writ Petition is filed for issuance of Writ of Mandamus directing the respondents to release the petitioner's husband Senthooran, S/o Rathina Thevar on parole for the period of one month who has been confined at Madurai, Central Prison to make arrangements for the livelihood of the petitioner and her children by selling his land in Survey Nos.4/1, 27/4, 5/8, 6/2, 6/3, 6/4



and 6/6 at Oosampottal, Karisalkulam Village, Kamuthi Taluk, Ramanathapuram District.

2. Mr.S.R.Anbarasu, learned Counsel appearing for the petitioner would submit that the petitioner's husband was convicted by the District and Sessions Judge, Ramanathapuram in S.C.No.10 of 1996 and sentenced to life imprisonment. The appeal filed by the accused in CrI.A.(MD)No.328 of 2006 was dismissed on 14.12.2007. Aggrieved by the judgment, he has preferred an appeal and the same is pending before the Hon'ble Supreme Court.

3. It is further submitted that the petitioner is having four children and they are studying. Since her husband has been in judicial custody for more than seven years, they are not able to meet the both ends and therefore, she made a representation to the respondents on 22.06.2016. Since no favourable order was passed, this Writ Petition has been filed.

4. The learned Counsel for the petitioner would further submit that in similar matter this Court in W.P.(MD)No.8300 of 2015 dated 18.08.2015, directed the respondents therein to release the life convict with further direction not to collect the charges required for police escort and other related expenses from the petitioner or the convict. The learned Counsel would further submit that the petitioner is suffering financially and she could not offer costs for charges required for police escort and other related expenses. It is further submitted that the pendency of the S.L.P. is not a bar for granting leave to the convict.

5. The learned Government Advocate (CrI.Side), on instructions would submit that the representation given by the petitioner was forwarded to the local police station viz., Kovilankulam police station and the third respondent has now recommended for granting leave to the husband of the petitioner to the second respondent and it is now pending before the second respondent.

6. Considering the facts and circumstances of the case, the second respondent shall consider the representation of the petitioner dated 22.06.2016 in the light of the order passed by this Court in W.P.(MD)No.8300 of 2015 dated 18.08.2015 and take a decision as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of.

Sd/-

Assistant Registrar (CO)

/True copy/



To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home (Prison V) Department,
Secretariat, St.George Fort,
Chennai-600 009.

2.The Superintendent of Prison,
Central Prison, Madurai, Madurai District.

3.The Inspector of Police,
Kovilankulam Police Station,
Kamuthi Taluk, Ramnad District.

+1 CC to Mr.S.R.ANBARASU, Advocate, SR No.56332

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.55860

W.P (MD) No.11966 of 2016
26.09.2016

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SH/PV/SAR-III:05.10.2016:3P/6C