



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.11986 of 2016

Stalin

...Petitioner

-vs-

1. The Secretary to the Government of Tamil Nadu,
Home Department, Fort St.George,
Chennai-600 009.

2. The Superintendent,
Central Prison, Trichy.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the 2nd respondent herein to grant parole to petitioner's father Jacob, S/o.Masilamani, aged about 74 years, Convict, who is now confined in Central Prison, Trichy from 06.07.2016 to 18.07.2016.

For Petitioner : Mr.R.Venkateshwar
For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the 2nd respondent herein to grant parole to the petitioner's father Jacob, S/o.Masilamani, aged about 74 years, Convict, who is now confined in Central Prison, Trichy from 06.07.2016 to 18.07.2016.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

Brief Facts:

3. The petitioner's father, namely, Jacob was initially acquitted in connection with the case in C.C.No.31 of 1999 on the file of the learned Additional Chief Judicial Magistrate, Kumbakonam; that thereafter an appeal was preferred by the State before this Court, in which the prisoner was convicted to undergo seven years R.I. vide order dated 26.06.2014; that the petitioner's father is suffering from kidney disease and that he is now admitted in the Government Hospital, Trichy in the Intensive Care Unit.

3.1. The petitioner has sent a detailed representation to the respondents seeking to release his father on parole and the said representation has not been considered so far and no orders were

passed thereon. Hence, the petitioner is before this Court seeking the above relief.

4. Learned counsel for the petitioner has submitted that both kidneys of the petitioner's father are dysfunctional and that one part of his body also got paralyzed. Therefore, if a better treatment is not given to the petitioner's father, his life will be in peril.

5. Per contra, learned Additional Government Pleader has strenuously contended that if permission is granted in this case, similarly placed prisoners may also raise similar demand and that would be causing administrative problems for the jail authorities and therefore, permission should not be granted.

6. Perusal of the proceedings dated 15.07.2016 issued by the Superintendent, Central Prison, Trichy would go to show that on the recommendation of the Doctor, the prisoner has been shifted from Mahatma Gandhi Government Hospital, Trichy to the Medical College Hospital, Thanjavur for higher renal treatment, which itself would indicate that the prisoner is in need of better treatment.

7. Under such circumstances, the petitioner's father is permitted to take treatment either in Thiyagaraja Hospital, Kumbakonam or Meenakshi Mission Hospital, Thanjavur as per the request of the petitioner for a period of five days, commencing from 16.07.2016 to 20.07.2016. The petitioner shall bear the medical expenses and costs for escort. The second respondent/Superintendent of Central Prison, Trichy is directed to release the father of the petitioner by name Jacob, S/o.Masilamani on 16.07.2016 after following the usual procedure and after ensuring safeguarding measures in accordance with the Prison manual and the petitioner's father shall be taken back to the Central Prison, Trichy before 6.00p.m. on 20.07.2016. In case of further treatment, the petitioner shall make request to the jail authorities.

The writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)

To:

1. The Secretary to the Government of Tamil Nadu,
Home Department, Fort St.George, Chennai-600 009.
2. The Superintendent, Central Prison, Trichy.

+1cc to M/s.R.Venkatesahwar, Advocate in SR.37092

W.P. (MD)No.11986 of 2016
15.07.2016