



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.13791 of 2016

R.Mohan

... Petitioner

-vs-

1. The Principal Secretary,
Government of Tamil Nadu,
Home Prisons (4) Department,
Fort St.George, Chennai.

2. The Additional Director General of Police,
Inspector General (Prisons),
Gandhi Irvin Road, Egmore,
Chennai.

3. The Superintendent,
Central Prison, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order of the 3rd respondent in No.6322/Tha.Ku. 2/2016 dated 04.05.2016 and quash the same and consequently direct the respondents to grant leave to the petitioner's brother-in-law, namely, Deivam @ Deivendran, S/o. Kumareasan, C.P.No.5109 now confined in Central Prison Madurai for a period of 30 days.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

O R D E R

The writ petition has been filed, seeking to quash the order dated 04.05.2016 passed in No.6322/Tha.Ku. 2/2016 by the 3rd respondent, by which the petitioner's request for grant of parole to his brother-in-law has been rejected on the ground that a case is pending trial against the petitioner's brother-in-law. The petitioner also sought a direction to the respondents to grant leave to the petitioner's brother-in-law, namely, Deivam @ Deivendran, S/o. Kumareasan, C.P.No.5109 now confined in Central Prison Madurai for a period of 30 days.

<https://hcservices.ecourts.gov.in/hcservices>
Hereby the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. Learned counsel for the petitioner has submitted that the order of rejection dated 04.05.2016 is contrary to the judgment passed by this Court in the case of M.Mareeswari vs. The Principal Secretary to the Government of Tamil Nadu and others (W.P.(MD) No.10033 of 2016) decided on 24.06.2016, in which this Court has elaborately dealt with the nature of the applicable provisions of the Tamil Nadu Suspension of Sentence Rules, 1982 and has granted parole to the petitioner therein. Therefore, the petitioner herein also must be granted parole.

4. Considering the facts and circumstances of the case and also taking into account the earlier judgment of this Court, referred to above, this petition is allowed and the impugned order dated 04.05.2016 is set aside. The petitioner is directed to make a fresh representation to the 3rd respondent and the same shall be considered in the light of the judgment of this Court M.Mareeswari vs. The Principal Secretary to the Government of Tamil Nadu and others (supra) and suitable orders be passed thereon on merits and in accordance with law within a period of one week from the date of receipt of a copy of this order.

The writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The Principal Secretary,
Government of Tamil Nadu,
Home Prisons (4) Department,
Fort St.George, Chennai.
2. The Additional Director General of Police,
Inspector General (Prisons),
Gandhi Irvin Road, Egmore, Chennai.
3. The Superintendent, Central Prison,
Madurai.

+1CC to M/s.J.Ananda Kumar, Advocate, S.R.No.48377

+1CC to M/s.Special Government Pleader, S.R.No.48612

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[https://hcseniorjudges.gov.in/Case/CaseDetails.aspx?CaseNo=13791&CaseType=W.P.\(MD\)&CaseStatus=Closed](https://hcseniorjudges.gov.in/Case/CaseDetails.aspx?CaseNo=13791&CaseType=W.P.(MD)&CaseStatus=Closed)

W.P. (MD) No.13791 of 2016
30.08.2016