



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.15555 of 2016

M.Rukumani

...Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to
Home Department of Prisons,
Fort St.George, Secretariat,
Chennai-600 009.

2. The Additional Director of General of Police (Prisons)
No.1, Gandhi Irvin Road,
Egmore, Chennai.

3. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

...Respondents

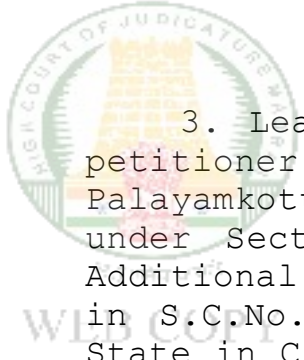
Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to grant parole for the period of 20 days from 24.08.2016 to 13.09.2016 to the petitioner's husband, namely, Karuppaiah @ Muthu, who is a life convict confined at Central Prison, Palayamkottai to make arrangements and to participate his daughter's marriage based upon the Rule 20(iv) of the Tamil Nadu Suspension of Sentence Rules 1982 forthwith.

For Petitioner : Mr.K.Prabhu
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 respondents to grant parole for the period of 20 days from 24.08.2016 to 13.09.2016 to the petitioner's husband, namely, Karuppaiah @ Muthu, who is a life convict confined at Central Prison, Palayamkottai to make arrangements and to participate his daughter's marriage based upon the Rule 20(iv) of the Tamil Nadu Suspension of Sentence Rules 1982 forthwith.

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



3. Learned counsel for the petitioner has submitted that the petitioner's husband has been confined in the Central Prison, Palayamkottai in connection with a case in Crime No.295 of 1994 under Section 302 IPC; though he was acquitted by the learned Additional Sessions Judge-cum-Chief Judicial Magistrate, Tuticorin in S.C.No.136 of 1998, pursuant to the appeal preferred by the State in C.A.No.867 of 2001, this Court convicted the petitioner's husband, against which, the appeal preferred by the petitioner before the Hon'ble Supreme Court in Criminal Appeal No.786 of 2013 is pending; that the marriage of the prisoner's daughter is scheduled to be held on 04.09.2016; that he has to arrange for money for his daughter's marriage and that the petitioner has submitted a representation dated 01.08.2016 to the 3rd respondent for grant of parole to her husband, which has not yet been considered by the respondents and hence, the petitioner is before this Court with the relief stated supra.

3.1. Learned counsel for the petitioner has drawn the attention of this Court to Rule 20 of the Tamil Nadu Suspension of Sentence Rules, 1982, which deals with the grounds for the grant of ordinary leave as follows:

20. Grounds for the grant of ordinary leave: The grounds for the grant of ordinary leave to a prisoner shall be

- i) to make arrangement for the livelihood of his family and for the settlement of life after release.
- ii) to make arrangement for the admission of the children in the school or college.
- iii) construction or repairing the home-stead

iv) to make arrangements or to participate in the marriage of sons, daughters, full brothers or full sisters;

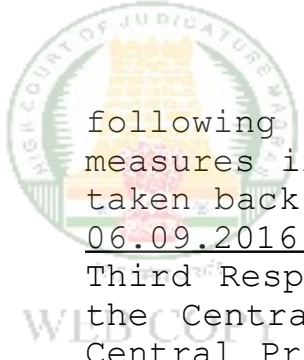
v) settling family disputes like partition etc.,

vi) agricultural operations like sowing, harvesting etc.

vii) any other extraordinary reasons."

3.2. In support of his submission, learned counsel for the petitioner has also relied upon a decision of this Court in the case of Devaki vs. The Superintendent of Central Prison, Trichy [W.P. (MD) No.9574 of 2014] decided on 23.06.2014, wherein this Court held that pendency of appeal before the Supreme Court is not a ground to reject the ordinary leave and granted leave for 10 days and therefore, learned counsel for the petitioner urged this Court to grant leave to the petitioner's husband.

4. Considering the overall totality of the circumstances and taking into account the earlier decision of this Court, referred to above, the third respondent/The Superintendent of Prison, Palayamkottai, is directed to release the husband of the petitioner by name Karuppaiah @ Muthu, on ordinary leave for ten days, commencing from 28.08.2016 to 06.09.2016 after



following the usual procedure and after ensuring safeguarding measures in accordance with the Prison manual and and he shall be taken back to the Central Prison, Palayamkottai before 6.00p.m. on 06.09.2016. The Superintendent of Central Prison, Palayamkottai / Third Respondent shall provide utmost escort to the Convict from the Central Prison, Palayamkottai, from the time he leaves the Central Prison, Palayamkottai and till such time he is taken back to the Central Prison, Palayamkottai, on the said date and time as ordered by this Court. As the petitioner's husband has been undergoing imprisonment from 20.04.2010, he cannot be directed to pay the costs. Hence, the Government shall bear the expenditure for providing escort to the husband of the petitioner.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To:

1. The Principal Secretary, Home Department of Prisons,
State of Tamil Nadu, Fort St.George, Secretariat,
Chennai-600 009.
2. The Additional Director of General of Police (Prisons)
No.1, Gandhi Irvin Road, Egmore, Chennai.
3. The Superintendent of Prison, Central Prison,
Palayamkottai, Tirunelveli District.

+1cc to M/s.K.Prabhu, Advocate in SR.46952

+1cc to the Special Government Pleader, in SR.46728

W.P.(MD) No.15555 of 2016
23.08.2016

ar.

PBK/SK-SKN/SAR-I 26/08/2016 ::3P-6C:: (IT)