



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.16456 of 2016

Stella Sridevi

... Petitioner

-vs-

1. The Additional Director of General of Police (Prisons)
Dr.Radhakrishnan Road,
Mylapore, Chennai.

2. The Superintendent,
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 ordinary leave for a period of 30 days to the petitioner's husband, by name, Stanly (Convict No.3636), who is being confined at Central Prison, Palayamkottai Tirunelveli District.

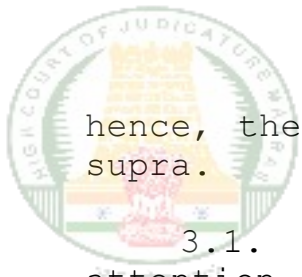
For Petitioner : Mr.R.Anand
For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to grant ordinary leave for a period of 30 days to the petitioner's husband, by name, Stanly (Convict No.3636), who is being confined at Central Prison, Palayamkottai Tirunelveli District.

2. Heard 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 petitioner's husband has been confined in the Central Prison, Palayamkottai in connection with a case in S.T.C.No.46 of 2016 under Section 138 of the Negotiable Instruments Act; that the prisoner's mother, aged 71 years is a heart patient and three of his children are studying in colleges and school; that the prisoner has to make financial arrangement for studies of his children. The petitioner has submitted a representation dated 25.07.2016 to the 2nd 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;

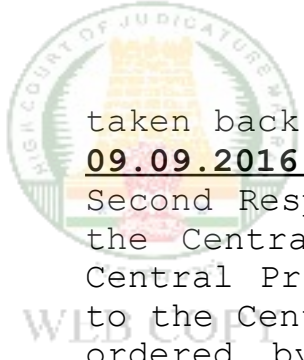
v) settling family disputes like partition etc.,

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 **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 interpreted the relevant provisions of the Tamil Nadu Suspension of Sentence Rules, 1982 and has granted parole to the petitioner therein and therefore, it is submitted by learned counsel for the petitioner that since the petitioner is also placed on the same footing, he must be granted parole.

4. Learned Additional Government Pleader would submit that the request of the petitioner has been rejected by the 2nd respondent on 22.08.2016, on the ground that those prisoners, who have completed three years of imprisonment alone are entitled to avail ordinary leave as per the provisions of the Tamil Nadu Suspension of Sentence Rules, 1982 and since the petitioner's husband was convicted only for one year, he is not entitled to any leave.

5. Considering the totality of the circumstances and taking into account the earlier decision of this Court, referred to above, the second respondent/The Superintendent of Prison, Central Prison, Palayamkottai, is directed to release the husband of the petitioner by name, Stanly (Convict No.3636), on emergency leave for five days, commencing from 05.09.2016 to 09.09.2016 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 09.09.2016. The Superintendent of Central Prison, Palayamkottai / Second 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. The cost for providing escort to the husband of the petitioner shall be borne by the Government.

The petition is ordered accordingly.

Sd/-
Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To:

1. The Additional Director of General of Police (Prisons)
Dr.Radhakrishnan Road,
Mylapore, Chennai.
2. The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.

+1cc to the special Government Pleader SR.No.49370
+1cc to Mr.R.Anand, Advocate SR.No.48842

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W.P. (MD) No.16456 of 2016
31.08.2016