



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.16459 of 2016

WEB COPY

Gomathi

... Petitioner

-vs-

1. The Additional Director of General of Police (Prisons)
Thalaimuthu Natrajan Maligai,
Egmore, Chennai-8.

2. The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing respondents to grant emergency leave to the petitioner's husband, namely, Ravichandran @ Ravi S/o.Balu (Life Convict Prisoner No.17104), who is presently confined at Central Prison, Tiruchirappalli for a period of one month to attend his daughter's marriage and also to arrange the funds for the marriage.

For Petitioner : Mr.K.M.Karunakaran

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

O R D E R

The writ petition has been filed, seeking to direct the respondents to grant emergency leave to the petitioner's husband, namely, Ravichandran @ Ravi S/o.Balu (Life Convict Prisoner No.17104), who is presently confined at Central Prison, Tiruchirappalli for a period of one month to attend his daughter's marriage and also to arrange the funds for the marriage.

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 pursuant to the dismissal of appeal in CrI.A.No.484 of 2008 by this Court, the petitioner's husband has been confined in the Central Prison, Trichy as a Life Convict; that the marriage of the daughter of the prisoner is scheduled on 15.09.2016 and the



prisoner has to make financial arrangements for his daughter's marriage; that the petitioner has submitted a representation dated 26.08.2016 to the 2nd respondent for grant of parole to her husband and since the same has not been considered so far, 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. Learned counsel for the petitioner has also submitted that this Court, on earlier occasion, has considered the request of the petitioner in **W.P. (MD) No.9229 of 2016 dated 21.06.2016** and granted five days' parole to her husband and hence, the prisoner must be allowed to go on parole for this time also for the reasons stated supra.

4. Learned Additional Government Pleader would submit that the request of the petitioner has been rejected by the 2nd respondent on 30.08.2016, 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 has not fulfilled that criteria, he is not entitled to ordinary leave.

5. Considering the totality of the circumstances and taking into account the earlier decision of this Court, referred to above, this petition is disposed of with direction to the second respondent/The Superintendent of Prison, Central Prison, Trichy, to release the husband of the petitioner, namely, Ravichandran @ Ravi S/o.Balu (Life Convict Prisoner No.17104), on emergency



leave for twelve days, commencing from 10.09.2016 to 21.09.2016 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, Trichy before 6.00p.m. on 21.09.2016. The Superintendent of Central Prison, Trichy / Second Respondent shall provide escort in civil dress to the Convict from the Central Prison, Trichy, from the time he leaves the Central Prison, Trichy and till such time he is taken back to the Central Prison, Trichy, on the said date and time as ordered by this Court. As the petitioner's husband has been undergoing imprisonment for quite a long time, he cannot be directed to pay the costs. Hence, the Government shall bear the expenditure for providing escort to the husband of the petitioner. No costs.

Sd/
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Additional Director of General of Police (Prisons)
Thalaimuthu Natrajan Maligai,
Egmore, Chennai-8.
2. The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

+1cc to M/S.K.M.Karunakaran, Advocate in SR.No. 48985
+1cc to Special Government Pleader in SR.No.49371

W.P. (MD) No.16459 of 2016
31.08.2016

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