



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2016

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.5805 of 2016

Pappa

... Petitioner

-VS-

1.State of Tamilnadu

Rep. by the Secretary to Government
Home (Prison IV) Department
Secretariat, Fort St. George,
Chennai-600009.

2.The Additional Director General of Prison,
Egmore, Chennai-600008.

3.The Superintendent ,
Central Prison
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, to direct the respondent No.1 and 3 to release the petitioner's son namely Senthil @ Senthilkumar (CP NO.5451) on Parole for 15 days from Central Prison, Madurai.

For Petitioner	:	Mr.R.Venkatesan
For Respondents	:	Mr.D.Muruganandham Addl. Govt. Pleader

ORDER

This writ petition has been filed, seeking a direction to the respondent Nos.1 and 3 to release the petitioner's son namely Senthil @ Senthilkumar (CP NO.5451) on Parole for 15 days from Central Prison, Madurai.

2. Heard the learned counsel on both sides.

3. It is seen that the petitioner's son was convicted and sentenced to life imprisonment in SC No.490 of 2000 and an appeal filed by him in CA (MD) No.179 of 2015 is pending before the Division Bench of this Court. While so, this petitioner has filed



this petition for a direction to the respondents to release the petitioner's son on Parole.

4. In the considered opinion of this Court, such a mandamus is not maintainable, when a statutory appeal is pending before the Division Bench of this Court. It is always open to the petitioner's son to approach the Division Bench for suspending the sentence and bail under Section 389 Cr.P.C. and not a writ of mandamus for parole.

With the above observation, this petition is dismissed.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government
Home (Prison IV) Department
Secretariat, Fort St. George, Chennai-600009.

2.The Additional Director General of Prison,
Egmore, Chennai-600008.

3.The Superintendent ,
Central Prison, Madurai.

+1cc to Spl.Government Pleader Sr.No.17567

RR

AA/GSV-PM/05.04.2016/2p-5c

W.P. (MD) No.5805 of 2016
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