



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P. (MD) No.9229 of 2016

R.Karthi

... Petitioner

-vs-

1. The Superintendent,
Central Prison,
Tiruchirappalli.
2. The Inspector of Police,
Thiruvidaimarudhur Police Station,
Thanjavur District.
(Crime No.321/2003)

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to grant Parole for a period of 30 days to the petitioner's father, namely, B.Ravichandran S/o.Balu, who is a life convict, now confined in Central Prison, Tiruchirappalli to arrange money for the medical treatment of the petitioner's mother Gomathi, W/o.B.Ravichandran based on the petitioner's representation dated 05.04.2016.

For Petitioner : Mr.K.A.S.Prabu

For Respondents : Mr.Aayiram K.Selvakumar
Govt. Advocate

O R D E R

The writ petition is filed for issuance of a Writ of Mandamus, directing the 1st respondent to grant Parole for a period of 30 days to the petitioner's father, namely, B.Ravichandran S/o.Balu, who is a life convict, now confined in Central Prison, Tiruchirappalli to arrange money for the medical treatment of the petitioner's mother Gomathi, W/o.B.Ravichandran based on the petitioner's representation dated 05.04.2016.

2. Seeking such a relief, the petitioner has given a representation to the 1st respondent on 05.04.2016. The petitioner has enclosed a copy of the medical certificate of Dr.A.Mahesh, Government Doctor, Thanjavur stating that the petitioner's mother is suffering from severe Asthma and her condition is very bad. The petitioner has also furnished the Poverty Certificate issued by the Tahsildar, Thiruvidaimarudhur along with the representation.



3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4. The learned Government Advocate would submit that a communication has been received from the Deputy Inspector General of Prisons, Trichy Range, Trichy, wherein it has been stated that as per the report dated 28.05.2016 of the Probation Officer, Kumbakonam, the health condition of the petitioner's mother is good. He would further submit that his appeal in CrI.A.(MD) No.484 of 2008 has been dismissed by this Court, thereby his conviction for life imprisonment has been confirmed.

5. In order to prove that the petitioner's mother is suffering from severe Asthma, medical certificate, issued by a Government Doctor has been produced. However, the petitioner's request for grant of parole for a long duration of 30 days cannot be acceded to.

6. At this juncture, learned counsel for the petitioner submitted that the condition of the petitioner's mother is very critical and therefore, instead of directing the 1st respondent to consider the representation of the petitioner and pass orders, this Court must directly pass orders permitting the petitioner's father to go on emergency leave.

7. Therefore, considering the facts and circumstances and also taking into account the emergent situation, this Court is inclined to grant parole to the petitioner's father for five days, in lieu of directing the 1st respondent to pass orders on the representation of the petitioner dated 05.04.2016, as the 1st respondent has already been given sufficient time.

8. Under such circumstances, the first respondent/Superintendent of Central Prison, Trichirapalli is directed to release the father of the petitioner by name B.Ravichandran, S/o.Balu, on emergency leave for five days from Central Prison, Trichirapalli on **23.06.2016** after following the usual procedure and other safeguarding measures in accordance with the Prison manual and he shall be taken back to the Central Prison, Trichirapalli before **6.00p.m. On 27.06.2016.** The Superintendent of Central Prison, Trichirapalli / First Respondent shall provide utmost escort to the Life Convict from the Central Prison, Trichirapalli, from the time he leaves the Central Prison, Trichirapalli and till such time he is taken back to the Central Prison, Trichirapalli, on the said date and time as ordered by this Court. As the petitioner has already produced the Poverty Certificate along with the representation, he cannot be directed to pay the costs. Hence, the Government shall bear the expenditure for providing escort to the father of the petitioner.



9. The Writ Petition is disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar(Writs)

WEB COPY

/True copy/

Sub Assistant Registrar

To

1. The Superintendent,
Central Prison,
Tiruchirappalli.
2. The Inspector of Police,
Thiruvidaimarudhur Police Station,
Thanjavur District.

+1cc to MR.K.A.S.Prabhu, Advocate SR.NO.31818

+1cc to Special Government Pleader sR.No.32039

sm:GSV-PM:SAR II:22.06.2016:3P/5C

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