

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.22319 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home. With consequent of the counsel appearing for both parties, the present Writ Petition is disposed of at the admission stage.

2 . The present writ petition came to be filed with the following prayer:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in refusing to receive the representation dated 06.07.2016 submitted by the petitioner for release of his son viz., Konakalla Suresh @ Mukku Suresh who is undergoing life imprisonment in Central Prison, Warangal, in connection with the Judgment dated 23.09.2004 passed in S.C.No.52/2002 on the file of the III Additional Sessions Judge, Khammam for a period of four days for attending the death ceremony to be held on 13.07.2016 as being illegal and unjust.”

3. Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts his claim seeking a direction to the 2nd respondent- Superintendent, Central Prison, Warangal, to consider the representation dated 06.07.2016 made by the petitioner for release of his son in view of death of his wife.

4. Learned Government Pleader for Home submits that the Superintendent, Central Prison, Warangal, is not the competent authority to release the prisoner and the Government is the appropriate authority to consider the release of prisoner either on parole or on furlough.

5. That being the position and since there is a prescribed method provided under law for releasing a prisoner, who is serving the sentence, the petitioner shall present an application before the appropriate authority, in which event the same shall be dealt with in accordance with law, at the earliest, by taking into consideration the fact of the death ceremony of the mother of the prisoner, which is to be performed on 13.07.2016.

6. With the above direction, the Writ Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:11.07.2016

Note: Furnish CC by tomorrow

(B/O)

INL