

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.11428 of 2017

Sriramulu

... Petitioner

Vs

1. The Superintendent,
Central Prison -I,
Puzhal,
Chennai - 600 066.

2. The Inspector of Police,
P-2, Otteri Police Station,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to consider his representation dated 20.04.2017 to release his son by name Chandar @ Chandru on parole forthwith.

For Petitioner : Mr.K.Chandru

For Respondents : Mr.K.balamurugan,
Government Advocate

ORDER

The prayer made in the writ petition is to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 20.04.2017 to release his son by name Chandar @ Chandru on parole forthwith.

2. The case of the petitioner is that he is the father of Chandar @ Chandru, who has been convicted for the offences under Sections 148, 427, 448 and 307 IPC by judgment dated 21.04.2008 passed by the learned VI Additional Sessions Judge, Chennai in SC No.528 of 2006, against which, CrI.A.No.317 of 2008 was filed before this Court. By judgment dated 21.12.2016, the said appeal was partly allowed by restricting his conviction only for the offence under Section 326 IPC and sentencing him to undergo rigorous imprisonment for two years and to pay a fine of Rs.1,000/- in default, to undergo rigorous imprisonment for

eight weeks. Pursuant to the same, he voluntarily surrendered before the learned VI Additional Sessions Judge, Chennai on 07.02.2017. Now, he is confined at Central Prison, Puzhal, Chennai. According to the petitioner, he is suffering from heart ailment and throat cancer and his son Chandar @ Chandru is only taking care of him and is bearing all the medical charges incurred for his treatment. Hence, he made a representation dated 20.04.2017 to the respondents requesting to release his son on parole, enabling him to take treatment. However, till date, no order has been passed by the respondents. Therefore, the petitioner has come up with the present petition for the above stated relief.

3. Heard Mr.K.Chandru, learned counsel for the petitioner and Mr.K.Balamurugan, learned Government Advocate, who took notice for the respondents.

4. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the respondents to consider the representation of the petitioner dated 20.04.2017 with regard to release his son Chandar @ Chandru, who is now confined at Central Prison, Puzhal, Chennai, on parole and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rk

To

1. The Superintendent,
Central Prison -I,
Puzhal, Chennai - 600 066.
2. The Inspector of Police,
P-2, Otteri Police Station,
Chennai.
3. The VI Additional Sessions Judge,
Chennai.

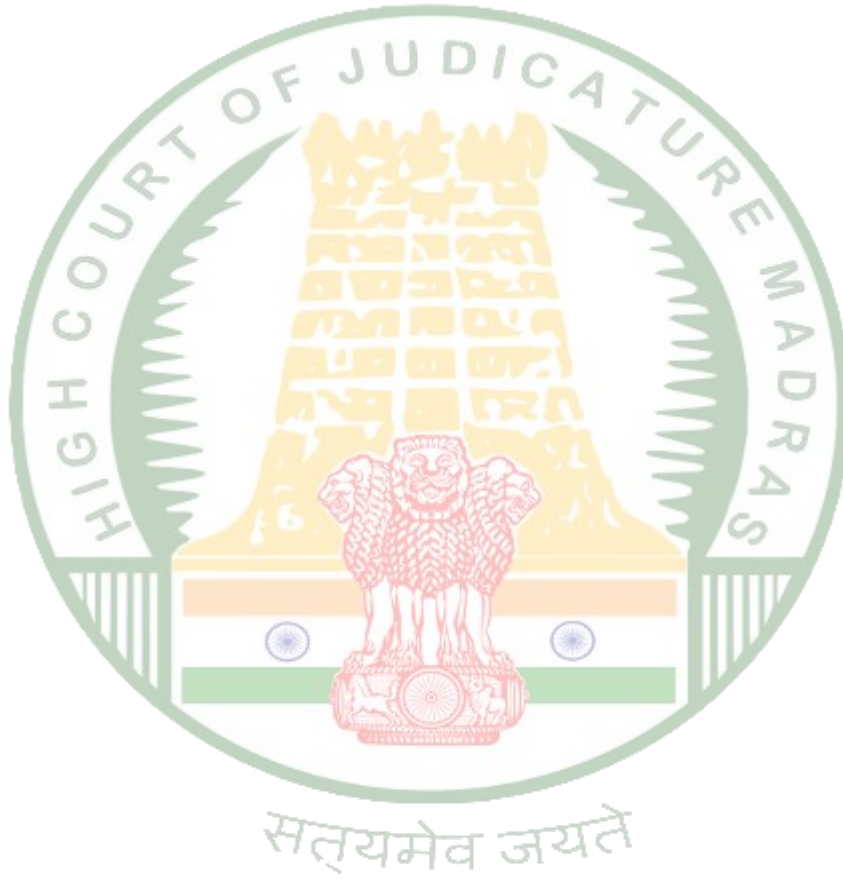
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Chandru, Advocate, S.R.No.36477

+1cc to the Government Pleader, S.R.No.36575

W.P.No.11428 of 2017

BR(CO)
CA(03/05/2017)



WEB COPY