

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1305 of 2017

Visalakshi

[Petitioner]

Vs

- 1.The Government of Tamil Nadu,
represented by its Secretary,
Home (Prison) Department,
Fort St.George, Chennai-600 009.
 - 2.The Additional Director General of Police and
Inspector General of Police,
Tamil Nadu Prison Department,
Gandhi-Irwin Road,
Egmore, Chennai-600 008.
 - 3.The Superintendent of Prison,
Central Prison, Vellore.
- [Respondents]

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the third respondent to release the petitioner's husband namely P.Nagendran, son of Ponnusamy, aged 47 years, life convict (No.1236) on parole for 5 days for enabling to perform religious rites to his deceased mother's 1st year death ceremony.

For Petitioner : Mr.M.R.Senthil Kumar
For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The petitioner is the wife of P.Nagendran, Life Convict No.1236, who is now confined at Central Prison, Vellore. During January 2016, the mother of the life convict-P.Nagendran was admitted in the hospital and subsequently she died on 06.02.2016. Now the first year death ceremony of the mother of the life convict is fixed on 24.01.2017 and 25.01.2017. Being the elder son of the family, the petitioner's husband's presence is necessary to conduct religious formalities as per the Hindu Rites and Customs, according to the petitioner. The petitioner made a representation to the third respondent on 05.01.2017 and

sought for parole for her husband in this regard. Since the same has not been considered till now, she has come up with the present writ petition.

2.The learned Additional Public Prosecutor, appearing for the respondents, filed the counter affidavit on behalf of the third respondent, wherein it is stated that the representation of the petitioner dated 05.01.2017 requesting to grant parole to her husband, the life convict, has been received and it was informed by letter dated 20.01.2017 that the life convict is not eligible for grant of leave for performance of religious formalities as per provisions of Rules 6 and 35 of Tamil Nadu Suspension of Sentence Rules, 1982, due to the pendency of criminal cases against the life convict.

3.There is no dispute that the life convict has to perform the death ceremony of his mother, which is fixed on 24.01.2017 and 25.01.2017. Considering the facts and circumstances of the case, the third respondent is directed to grant two days parole to the life convict by name P.Nagendran (Life Convict No.1236). The life convict should be released at 9.00 a.m. on 24.01.2017. He should report back at 6.00 p.m. on 25.01.2017. The Superintendent, Central Prison, Vellore is directed to provide necessary escort to the life convict. The life convict should be taken to the place where the ceremony would take place and after the function, he should be taken back to the jail. It is open to the Superintendent, Central Prison, Vellore to impose any other reasonable condition for the safe return of the life convict.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Government of Tamil Nadu,
Home (Prison) Department,
Fort St.George, Chennai-600 009.

2.The Additional Director General of Police and
Inspector General of Police,
Tamil Nadu Prison Department,
Gandhi-Irwin Road,
Egmore, Chennai-600 008.

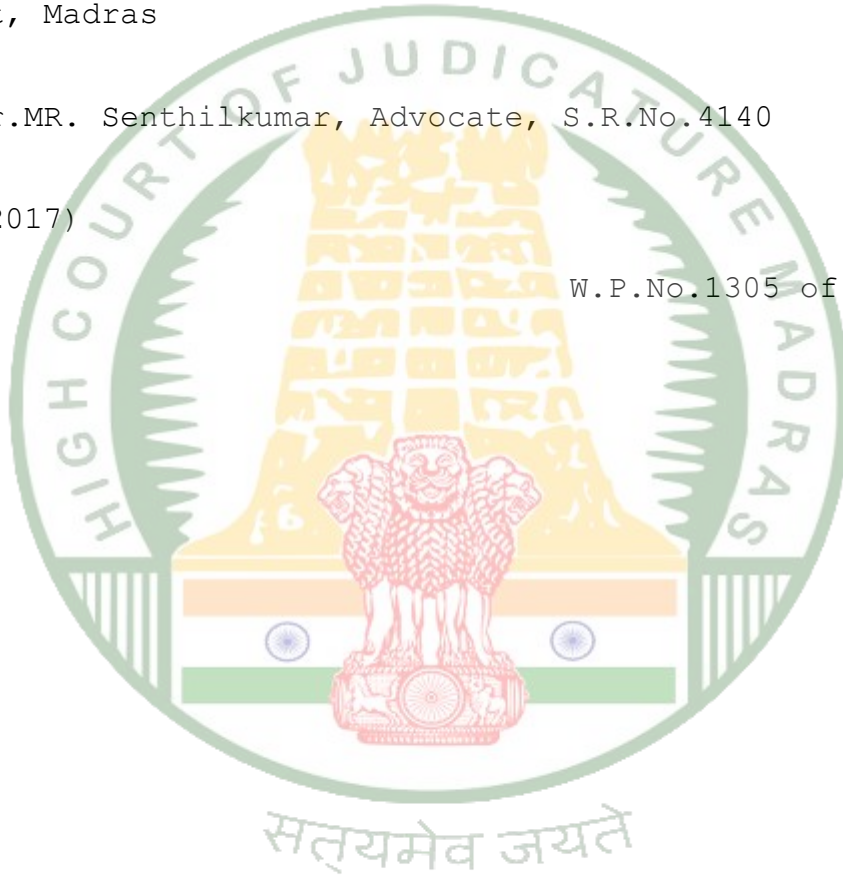
3.The Superintendent of Prison,
Central Prison, Vellore.

4 The Public Prosecutor
High Court, Madras

+2cc to Mr.MR. Senthilkumar, Advocate, S.R.No.4140

lrs(CO)
md(23/01/2017)

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