

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2017

CORAM

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

H.C.P.No.883 OF 2017

M.G.Madhu @ Ravindran

.. Petitioner

-vs-

1. The Home Secretary
Home Department
Secretariat, Fort St.George,
Chennai.
2. The Superintendent of Police
Central Prison,
Vellore.

.. Respondents

Habeas Corpus Petition filed under 226 of the Constitution of India to direct the respondents to enlarge the petitioner on parole for a period of 30 days to perform his father funeral rites.

For Petitioner : Mr.A.Manojkumar

For Respondents : Mr.V.M.R.Rajentran
Addl.Public Prosecutor

O R D E R

NOOTY.RAMAMOHANA RAO, J.

This is a Petition taken out seeking directions to the respondents to enlarge the petitioner on parole for a period of thirty days, to perform the obsequies of the father of the petitioner herein.

2.The petitioner was the third accused, who has been convicted and sentenced to death penalty by the learned First Additional Sessions Judge, at Salem in Sessions Case No.293 of 2003 on 15th February, 2007. The death penalty was confirmed by the Division Bench of this Court and subsequently the Appeal preferred there against before the Hon'ble Supreme

Court has also failed. However, the Review Petition moved with regard to the sentence part of it has been allowed by the Hon'ble Supreme Court by its order dated 11.03.2016. The Hon'ble Supreme Court commuted the sentence of death into one of life imprisonment of the three review petitioners before the Hon'ble Supreme Court. The present petitioner herein was one of those three review petitioners. Consequently, he is now required to serve the life imprisonment for the rest of his life in the Prison. However, it is now brought out that his father Shri Govindhan passed away on 30.05.2017, and in that connection, he was granted leave under emergent circumstances, which will expire on 04.06.2017. In those circumstances, the present Petition is moved seeking enlargement of parole for 30 days.

3.The learned Additional Public Prosecutor, who has accepted notice on behalf of the State, at our request has secured oral instructions in the matter, as this Petition has been moved by way of 'Lunch Motion' in the morning. The learned Additional Public Prosecutor informs us that the petitioner has already exhausted all the leaves available to his credit and he has also availed the maximum allowable period of leave under emergent circumstances for the current year.

4.In view of the facts and circumstances set out above and also in view of the fact that certain ceremonies are stated to be conducted on 11.06.2017, we are inclined to grant parole for a period of three days i.e. on 10, 11 and 12th, June, 2017.

5.Accordingly,

(i) The petitioner herein shall execute a bond before the Superintendent of Central Prison, Vellore, that he will not indulge in any commission/planning of any offence, whether minor or otherwise under any law for the time being in force;

(ii)He will not also indulge in encouraging commission of violence;

(iii)that he will not also address any political meetings and that he will not indulge in any provocative act and deed and that he should return to the Central Prison, Vellore, before 5.00 p.m on 12.06.2017.

Subject to the above conditions, the petitioner may be permitted to leave the Central Prison any time between 10.00 a.m and 11.00 a.m on 10.06.2017 and to be re-lodged before 5.00 p.m on 12.06.2017.

The Habeas Corpus Petition stands disposed of accordingly.
No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rpa

To

1. The Home Secretary
Home Department
Secretariat, Fort St.George,
Chennai.
2. The Superintendent of Police
Central Prison,
Vellore.
3. The Public Prosecutor
Madras High Court, Chennai.

+1cc to Mr.M.Jothikumar, Advocate Sr. 39601

H.C.P.No.883 OF 2017

SCD(CO)
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