

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2017

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.970 of 2017

Tmt.R.Gomathy

..... Petitioner

vs.

1. The State of Tamilnadu
Rep.by its Secretary,
Home Department,
Fort St.George,
Chennai-600 009

2. The Superintendent of Prisons,
Central Prison,
Thiruchirappalli,
Trichy District

..... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the respondents to grant one month parole to the petitioner's husband namely Ravichandran @ Ravi, son of Balu (life convict Prisoner No.17104), who is presently confined at Central Prison, Thiruchirapalli and set him at liberty.

For Petitioner : Mr. R.Sankarasubbu

For Respondents : Mr.V.M.R.Rajentren, Addl.P.P.

ORDER

(Order of the Court was made by A.SELVAM, J.)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents to grant one month parole to the detenu (husband of the petitioner), so as to see his ailing wife.

2.It is averred in the petition that the husband of the petitioner, by name, Ravichandran @ Ravi has been sentenced to undergo imprisonment for life and he has been housed in Central Prison, Thiruchirappalli. Further it is averred in the petition that the petitioner, being the wife of the detenu, has been suffering from illness and now she is getting treatment in a private hospital. Under such circumstances, the present petition has been filed for getting the relief sought therein.

3.On the side of the respondents a detailed counter has been filed, wherein in paragraph No.8, it is averred that as per Rule 22(1) of the Tamil Nadu Suspension of Sentence Rules 1982, no prisoner shall be granted ordinary leave unless he has been sentenced by a Court in the State. As per Rule 2(4) of the Tamil Nadu Suspension of Sentence Rules 1982, a 'sentence' means a sentence as finally fixed on appeal or revision or otherwise and includes an aggregate of more sentence than one. Hence the prisoner is not eligible for grant of any leave as per Rule 22 (1) of the Tamil Nadu Suspension of Sentence Rules, 1982 and ultimately prayed to dismiss the petition.

4.The learned counsel appearing for the petitioner has contended to the effect that the petitioner is the wife of the detenu and he has been awarded life sentence. Now the petitioner has been suffering from various illness and also getting treatment in a private hospital. Under such circumstances, the present petition has been filed for getting parole for a period of one month.

5.Considering the request made on the side of the petitioner and also considering the averments made in the counter, this Court is inclined to pass the following order.

In fine, this habeas corpus petition is allowed. The second respondent, viz., the Superintendent of Prisons, Thiruchirappalli, Thiruchirappalli District, is directed to give leave to the detenu, viz., Ravichandran @ Ravi (life convict prisoner No.17104) from 17.07.2017 to 21.07.2017 on fulfillment of the conditions as stated infra:

(1) The detenu should execute a bond to the tune of Rs.5000/- (Rupees five thousand only) on two sureties each for a like sum to the satisfaction of the second respondent, viz., the Superintendent of Prisons, Central Prison, Thiruchirappalli.

(2)The second respondent is directed to give adequate police security with a specific condition that the detenu should be produced at 10.00 a.m., on 22.07.2017, without fail.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

msk

To

1. The Secretary,
Home Department,
Fort St.George,
Chennai-600 009
2. The Superintendent of Prisons,
Central Prison,
Thiruchirappalli,
Trichy District
3. The Public Prosecutor,
High Court, Madras

H.C.P.No.970 of 2017

SKS (CO)
VR(10/07/2017)

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