

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Writ Petition Nos.25010 & 25011 of 2017

J.Parilmala

..Petitioner in both the W.Ps.

vs.

1. The Principal Secretary,
Home Department (Prison)
Fort St.George,
Chennai 600 009.

2.The Inspector General of Prisons,
Whannels Road,
Egmore, Chennai 600 008.

... Respondents 1 & 2 in both W.Ps.

3.The Superintendent,
SUB-JAIL,
Chengalpattu.

4.The Inspector of Police,
Chengalpattu Town Police Station,
Kancheepuram District.

.. Respondents 3 & 4
in W.P.No.25010/17

3.The Superintendent,
Central Prison II,
Puzhal, Chennai.
Chengalpattu.

4.The Inspector of Police,
Chengalpattu Town Police Station,
Kancheepuram District.

.. Respondents 3 & 4
in W.P.No.25011/17

Prayer in W.P.No.25010/17: Writ petition filed under Article 226 of the Constitution of India for a writ of mandamus directing the third respondent herein to permit the son of the petitioner's brother-in-law namely V.Manikandan, S/o M.Vinayagam to attend the funeral ceremony of his father M.Vinayagam, S/o Murugesan which was scheduled to be held on 18.09.2017 with police escort by considering the representation of the petitioner dated 17.09.2017.

Prayer in W.P.No.25011/17: Writ petition filed under Article 226 of the Constitution of India for a writ of mandamus directing the third respondent herein to permit the son of the petitioner's husband namely Jothiramalingam @ Jothi, S/o Murugesan to attend the funeral ceremony of his brother M.Vinayagam, S/o Murugesan which was scheduled to be held on 18.09.2017 with police escort by considering the representation of the petitioner dated 17.09.2017.

For Petitioners
in both W.Ps. : Mr.M.Ravikumar

For Respondents
in both W.Ps. : Mr.P.Govindarajan
Additional Public Prosecutor

COMMON ORDER

Two writ petitions have been filed by J.Paraimala, out of which one for her husband and the other for her brother-in-law's son. One of the detenu is Jothiramalingam @ Jothi, S/o. Murugesan, and the other one is V.Manikandan, S/o. Vinayagam, who were detained under the Tamil Nadu Act 14 of 1982 and now confined in the Central Prison-II, Puzhal, Chennai and Sub Jail, Chengalpattu respectively, seeking leave/parole for one day to attend the funeral ceremony of M.Vinayagam, S/o Murugesan. It is also stated that the deceased M.Vinayagam is the father and brother of the detenu herein.

2. Learned Additional Public Prosecutor on instructions would submit that these petitioners may be permitted to attend the funeral ceremony of M.Vinayagam, S/o Murugesan for one day. He would also state that the detenu Manikandan is confined in Sub Jail, Chengalpattu and the detenu Jothiramalingam is confined in Central Prison-II, Puzhal, Chennai.

3. Considering the facts and circumstances of the case and also considering the fact that the petitioners are son and

brother of the deceased, I am inclined to grant one day parole to the detainee. Accordingly, the following order is passed:-

[1]The detainee, viz., Jothiramalingam @ Jothi, S/o. Murugesan, and V.Manikandan, S/o. Vinayagam, who were now detained in the Central Prison-II, Puzhal and Sub Jail, Chengalpattu, is granted 1 day parole, i.e. on 18.09.2017 from 05.00p.m. to 19.09.2017 till 12.00 noon, to enable the detainee to attend the funeral of M.Vinayagam S/o Murugesan.

[2]The second respondent shall pass necessary and appropriate orders releasing the detenu viz., Jothiramalingam @ Jothi, S/o. Murugesan, and M.Manikandan, S/o. Vinayagam, now detained in Central Prison-II, Puzhal and Sub Jail, Chengalpattu, on PAROLE for one day on 18.09.2017, from 05.00p.m. to 19.09.2017 till 12.00noon subject to the conditions that can be imposed including the necessary escort.

[3]The Jail Authorities are directed to release the detenu, namely, Jothiramalingam @ Jothi, S/o. Murugesan, and V.Manikandan, S/o. Vinayagam, on production of this order.

[4] It is made clear that the detenu should be brought back to the prisons, before 12.00 noon on 19.09.2017 without fail.

[5]The Jail Authorities, during the period of parole, shall provide proper escort to the detainee in order to ensure the safety and security of the detainee at the cost of the detainee.

[6]This order should be strictly complied with by the parties concerned. It is made clear that the above order is passed only for the purpose of enabling the detainee to attend the funeral ceremony.

With the above observations and directions, writ petitions are disposed of.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

smi

To

1. The Principal Secretary,
Home Department (Prison)
Fort St.George,
Chennai 600 009.
- 2.The Inspector General of Prisons,
Whannels Road,
Egmore, Chennai 600 008.
- 3.The Superintendent,
SUB-JAIL,
Chengalpattu.
- 4.The Inspector of Police,
Chengalpattu Town Police Station,
Kancheepuram District.
- 5.The Superintendent,
Central Prison II,
Puzhal, Chennai.
Chengalpattu.

6. The Public Prosecutor
High Court, Madras

+ 2 CCs to Mr.M.Ravikumar, Advocate SR NO 62885

W.P.Nos.25010& 25011 of 2017

SCD[CP]
GP/18.9