



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 13558 of 2017

WEB COPY

M.Selvi

... Petitioner

-Vs-

1.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

2.The Inspector of Police,
Kalaiyarkoil Police Station,
Kalaiyarkoil,
Sivagangai District.
(In Crime No.155 of 1990)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to release the petitioner's husband by name Mariappan, son of Singaram, life convicted Prison No.94532, incarcerated in Central Prison, Tiruchirappalli, on Parole forthwith for a period of 30 days based on the petitioner's representation dated 17.07.2017. Within the period that may be stipulated by this Court.

For Petitioner : Mr.T.Jeen Joseph
For Respondent : Mr.A.K.Baskarapandian,
Special Government Pleader

O R D E R

The petitioner has come forward with this Writ Petition to issue a Writ of Mandamus, directing the first respondent to release the petitioner's husband by name Mariappan, son of Singaram, life convicted Prison No.94532, incarcerated in Central Prison, Tiruchirappalli, on Parole forthwith for a period of 30 days based on her representation dated 17.07.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The petitioner's husband one Mariappan S/o. Singaram was convicted by the learned Additional Sessions Judge, Ramanathapuram in S.C.No.109 of 1991 dated 11.09.1991. The conviction was also confirmed by this Court in Crl.A.No.625 of 1991 and he was sentenced to life imprisonment for the offences punishable under Sections 302 r/w.34 of Indian Penal Code in Crime No.155 of 1990 on the file of the second respondent.



4. It is stated that the petitioner's father in law namely, the father of the convicted is aged about 75 years and due to his old age, his physical condition is worse and that therefore, the petitioner submitted a representation to the first respondent on 17.07.2017, to grant parole for a period of one month to the petitioner's husband, to see his father namely, Singaram and also his children. Since the representation has not been considered by the first respondent, the petitioner approached this Court, with the present petition.

5. The learned Special Government Pleader on instructions submitted that the request of the petitioner cannot be considered, in view of the fact that the petitioner's husband is not eligible for parole. According to the learned Special Government Pleader appearing for the respondents, certain categories of prisoners are not eligible for ordinary leave. As per Rule 21 of Tamil Nadu Suspension of Sentence Rules, 1982, a person who has committed the offences of escape is not entitled for ordinary leave.

6. Having regard to the fact that the petitioner's husband namely, Mariappan S/o.Singaram has also committed the offences of escape, he is not eligible for ordinary leave as per Rule 21 of Tamil Nadu Suspension of Sentence Rules, 1982, which reads as follows:

"21.Non-eligibility for ordinary leave - The following categories of prisoners shall not be eligible for ordinary leave:

(a) Offenders classified as habituals;
(b) Prisoners sentenced under section 392 to 402 of the Indian Penal Code (Central Act 45 of 1860);

(c) Prisoners whose presence is considered dangerous or prejudicial to public peace and tranquillity;

(d) Prisoners who are considered dangerous or who are involved in the following Prison offences;

- (1) assault;
- (2) outbreak;
- (3) riot;
- (4) mutiny;
- (5) escape;
- (6) instigation to serious violations or prison rules;
- (7) strike;

(e) Prisoners committed to prisons in default of furnishing security to keep the peace or be of good behaviour.

<https://hcservices.ecourts.gov.in/hcservices>
(f) Prisoners suffering from unsoundness of mind or contagious diseases. In such cases the eligibility shall be decided in accordance with the opinion of the Medical Officer."



7. Hence, this Court is not inclined to entertain this petition and accordingly, this writ petition is dismissed. No costs.

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Sd/-

Assistant Registrar(Protocol)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

2.The Inspector of Police,
Kalaiyarkoil Police Station,
Kalaiyarkoil,
Sivagangai District.

+1cc to Special Government Pleader, SR.No. 68316

mm/gk

MAS/KP/SAR3:08.08.2017:3P-4C

W.P.(MD) No. 13558 of 2017
25.07.2017