



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No.15354 of 2017

WEB COPY

T.Karupayee

... Petitioner

Vs.

The Superintendent of Prison,
Central Prison,
Madurai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to grant emergency parole leave to brother namely Kannan @ Kuttaikannan (Life Convict prisoner No.4979) who is presently confined at Central Prison, Madurai for a period of one week.

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondent to grant emergency parole leave to my brother namely Kannan @ Kuttaikannan (Life Convict prisoner No.4979) who is presently confined at Central Prison, Madurai for a period of one week.

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

3.The parole leave sought for by the petitioner is for a period of one week. The learned counsel for the petitioner submitted that though the petitioner prayed for parole leave for a period of one week, he is prepared to restrict the period of leave for two days only.

4.Earlier representation of the petitioner was rejected on the ground that the petitioner's brother committed crime and he was undergoing imprisonment from 11.04.2017 and as per rule 302 (4) the brother of the petitioner is not entitled to any parole leave for a period of three months for the commission of the said offence. In further stated in the order that the petitioner is at liberty to make an application, after the period during which



he is prevented by the rule to make such applications. The learned counsel for the petitioner pointed out that the petitioner submitted an application on 05.08.2017, after the period prescribed for the renewal of earlier request for parole leave.

5. However, even the learned Special Government Pleader, on instructions, submitted that the petitioner's request, for grant of parole leave to her brother, can be considered if such permission is availed by the petitioner with escorts. The learned Special Government Pleader has reasons to make these submissions in view of the specific instructions he had received from the department.

6. The learned counsel for the petitioner also undertakes that the petitioner's brother is willing to avail the parole leave with escorts to her brother. The learned Special Government Pleader, however, stated that the petitioner is entitled to apply for the parole only if she is prepared to produce necessary certificates, so that the respondent is in a position to consider the eligibility of the petitioner to avail the parole leave at free of cost.

7. This Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Superintendent of Prison,
Central Prison,
Madurai.

+1CC TO M/S.P. Balamurugan, ADVOCATE, SR NO. 74337
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO. 74674

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SDS/SV MMS/ SAR1/ 24.08.2017/ 2P.3C