



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.17200 of 2017

WEB COPY

Nirmala Mary

... Petitioner

-Vs-

1.The Secretary to the Government,  
Home Department,  
St. George Fort,  
Secretariat,  
Chennai.

2.The Superintendent of Central Prison,  
Central Prison,  
Palayamkottai,  
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to extent parole period of Petitioner's husband Johnson @ John (CT No.3768) from 12.09.2017 to till the completion of angiogram operation as advised by the doctor who is being presently admitted in Mookambika Hospital, Nagercoil so as to enable him to take treatment for his health ailments in light of the petitioners representation dated 11.09.2017.

For Petitioner : Mr.M.Ramu

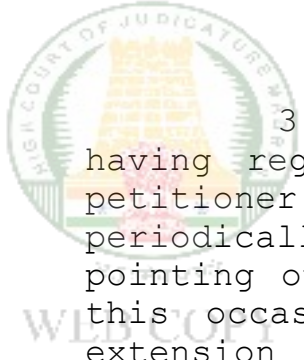
For Respondents : Mr.D.Muruganantham

Additional Government Pleader.

O R D E R

This Writ Petition is filed for issuing a direction to the respondents to extend parole period of the petitioner's husband by name Johnson @ John (Convict Prisoner No.3768) from 12.09.2017 till the completion of angiogram operation as advised by the Doctor.

2.The petitioner is the wife of one Johnson @ John who is convicted in a criminal case and undergoing imprisonment in Central Prison at Palayamkottai. The petitioner states that her husband is a cardiac patient from 2003 and that he suffered cardiac arrest at least on two earlier occasions. For taking emergency treatment, the petitioner sought parole leave and for the said purpose, the petitioner's husband is away from prison from 14.10.2016. Even after taking treatment, the petitioner has approached this Court to extend parole period of her husband from 12.09.2017 to till the completion of angiogram operation as advised by the Doctor in the light of the representation of the petitioner dated 11.09.2017.



3.This Court, without considering the matter on merits having regard to the nature of the treatment undergone by the petitioner's husband, extended the period of parole leave periodically. The respondents have filed counter affidavit pointing out that the petitioner's husband has taken treatment on this occasion and that there is no necessity to give further extension to the petitioner's husband for getting medical treatment in any private hospital considering the fact that the petitioner's husband has taken treatment as advised by the Doctors. The contention of the respondents that no reason is stated to extend the parole leave merit consideration. Hence, this Writ Petition is closed with an observation that the petitioner's husband is not entitled to any further extension of the parole leave. No costs.

4.It is submitted by the learned counsel appearing for the petitioner seeks indulgence of this Court to give time till tomorrow to surrender the petitioner's husband. Considering the request of the learned counsel for the petitioner the petitioner's husband is directed to surrender himself before the jail authorities concerned by 12.30 p.m. on 28.10.2017.

Sd/-  
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,  
Home Department,  
St. George Fort,  
Secretariat,  
Chennai.

2.The Superintendent of Central Prison,  
Central Prison,  
Palayamkottai,  
Tirunelveli.

W.P. (MD) No. 17200 of 2017  
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SRM  
JM/SV MMS/SAR 1/27.10.2017/2P/3C