



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2017

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CORAM:
THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

W.P(MD) No.1757 of 2017

J.Chitra

... Petitioner

-vs-

1.The Principal Secretary, Home Department(Prisons),
State of Tamil Nadu, Secretariat,
Fort St.George, Chennai- 600 009.

2.The Additional Director General of Police (Prisons)
cum The Inspector General of Prisons,
Office of ADGP(Prisons)/I.G of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore, Chennai.

3.The Superintendent of Prison,
Madurai Central Prison, Madurai.

4.State through,
The Inspector of Police,
Aralvaimozhi Police Station,
Kanniyakumari District.

... Respondents

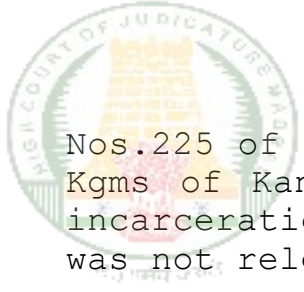
Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to allow the petitioner's husband by name Jeganathan, Son of Mayandi, aged about 45 years, now confined at respondent No.3, Central Prison as remand prisoner to attend his mother's funeral ceremonies for the period of seven days by considering her representation, dated 01.02.2017, within the time stipulated by this Court.

For Petitioner : Mr.I.Sabeer Mohamed

For Respondents : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

The petitioner herein is the wife of the remand prisoner M.Jeganathan, S/o.Mayandi, aged about 45 years, who was arrested by the fourth respondent police, under Act 14 of 1982, in Crime



Nos.225 of 2016 and 394 of 2016, for having 1.100 Kgms Kanja and 97 Kgms of Kanja, respectively. The said Jeganathan has been under incarceration from the date of arrest i.e., on 22.10.2016 and he was not released on bail.

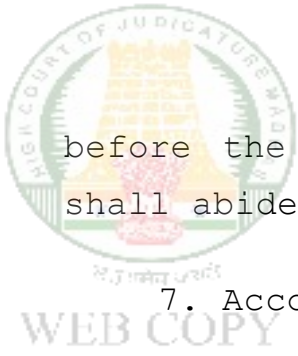
2. In view of the urgency of the matter, a mention has been made and the matter has been taken up now.

3. The learned counsel for the petitioner would state that the petitioner's mother-in-law by name Ellammal, W/o. Mayandi was died on 31.01.2017, which was also admitted on verification from the concerned police. He further state that as per Hindu rites and customs, as son of the deceased mother, the detenu/Jeganathan has to perform and participate in funeral rituals of his deceased mother. In this regard the petitioner had also submitted a representation to the respondents and no action has been taken. Hence the petitioner has come forward with this writ petition.

4. The learned Government Advocate also admitted that the petitioner's/detenu's mother Ellammal, W/o. Mayandi was died on 31.01.2017 and he has not disputed the above fact and he has also produced a xerox copy of the factum of the death of the detenu's mother from the Inspector of Police, Kadamalai Kundu Taluk, Kadamalai Kundu.

5. This Court finds considerable force in the submissions made by the learned counsel for the petitioner. When the prisoners are entitled for parole, even as convict, he/she cannot be put into a much worst off situation, merely because the criminal case is pending consideration.

6. Therefore taking note of the aforesaid circumstances, this Court directs the third respondent herein to release the petitioner's husband/Jeganathan, S/o. Mayandi, presently confined in Central Prison, Madurai, as remanded prisoner in Crime Nos.225 of 2015 and 394 of 2016, on parole for two days, from 02.02.2017, at 09.00 a.m., on condition that the said Jeganathan shall report back to the third respondent, the Superintendent of Central Prison, Madurai Central Prison, Madurai, on or before 05.00 p.m., on 03.02.2017. The third respondent is directed to provide necessary escort to accompany the said detenu/Jeganathan to the concerned police and release on 03.02.2017 at 05.00 p.m. The petitioner shall produce all necessary documents along with a copy of this order



before the jail authorities. During parole, the convict prisoner shall abide by all the conditions prescribed in the jail manual.

7. Accordingly, this Writ Petition is disposed of. No Costs.

Sd

ASST REGISTRAR (RTI)

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SUB ASST REGISTRAR

PJL

To

1.The Principal Secretary, Home Department(Prisons),
State of Tamil Nadu, Secretariat, Fort St.George,
Chennai- 600 009.

2.The Additional Director General of Police (Prisons)
cum The Inspector General of Prisons,
Office of ADGP(Prisons)/I.G of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore, Chennai.

3.The Superintendent of Prison,
Madurai Central Prison, Madurai.

4. The Inspector of Police,
Aralvaimozhi Police Station,
Kanniyakumari District.

5. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

2CC TO MR. I. SABEER MOHAMED, ADVOCATE SR: 5459

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W.P(MD)No.1757 of 2017
01.02.2017

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