

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.05.2018

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12859 of 2018

V.N. Raj Kiran

.. Petitioner

Vs.

The State of Tamil Nadu
Rep.by the Superintendent of Prisons,
Central Prison-I
Puzhal,
Chennai - 600066

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to grant 6 days emergency leave to the father of the petitioner Y.V. Nagaraj son of Y. Subba Rao presently held at Central Prison-I, Puzhal, Chennai-66 bearing C.B.No.6707, in order to save the life of petitioner's seriously ailing mother.

For Petitioner : Mr. R. Rajan

For Respondent : Mr. A.N. Thambidurai
Spl.Govt. Pleader

O R D E R

By virtue of this writ petition, emergent leave is sought for by the petitioner to his father viz., Y.V.Nagaraj son of Y. Subba Rao, convict prisoner, who is presently detained at Central Prison-I, Puzhal, Chennai-66, for a period six (6) days, to see the petitioner's seriously ailing mother.

2. Heard the learned Special Government Pleader. He has not made any serious objection. At the same time learned Special Government Pleader submitted that the State will provide necessary police escort and the petitioner will bear the cost for the same.

3. Taking into consideration of the ailment of the petitioner's mother, this court is of the view that emergent leave can be granted for six (6) days to Mr.Y.N. Nagaraj, father of the petitioner.

4. Accordingly, Convict Prisoner Mr. Y.N.Nagaraj Son of Y. Subba Rao, father of the petitioner, presently held in Central Prison I, Puzhal, Chennai 66, is granted six (6) days emergent leave. The respondent is directed to release the convict prisoner Mr. Y.N.Nagaraj son of Y. Subba Rao on parole for a period of six days commencing from 06.06.2018. The respondent is also directed to pass appropriate orders releasing the convict prisoner Mr. Y.N.Nagaraj granting him six days leave for the aforesaid purpose. The convict prisoner should abide by the conditions to be imposed by the authorities concerned.

(*)2.It is submitted by the learned counsel for the Writ Petitioner that though the father of the Writ petitioner, viz., Mr.Y.N.Nagaraj, S/o.Y.Subbarao was released on emergent leave for a period of 6 days, the escort police had never allowed the father of the Writ Petitioner to stay in the house and kept him in various police stations at night hours. The very purpose of availing emergent leave is to see his ailing wife and that has been defeated by the escort police. Hence, requested for issue of appropriate orders in this regard.

3. The purpose of emergent leave provided in the Tamilnade Suspension of Sentence Rules is to grant leave to the convicts to attend emergent situation and one such situation is to attend the ailing relatives. Therefore, even after granting such leave, keeping the convict in the police station, the very purpose of the rule itself will be defeated.

4. The learned counsel for the petitioner further submitted that the escort police can be accompanied in the house of the petitioner.

4.Accordingly, the respondent/State is directed to give instructions to the escort police not to keep the convict/father of the writ petitioner, viz., Mr.Y.N.Nagaraj, S/o.Y.Subbarao, who is on emergent leave, in the police station.

5. It is made clear that Mr.Y.N. Nagaraj son of Y. Subba Rao will surrender before the Superintendent, Central Prison, Puzhal, Channai, on 11.06.2018 without fail. Needless to say that he will be accompanied by police escort. The petitioner shall pay a sum of Rs.20,000/- (Rupees twenty thousand only) towards cost.

5. The petition is ordered accordingly, in the aforesaid terms.

Sd/-
Assistant Registrar (CS-IV)
(dated: 05/06/2018)

**(*) THE PARAGRAPHS ARE INCORPORATED
AS PER ORDER DATED 08.06.2018
MADE IN W.P.NO.12859/17**

Sd/-
Assistant Registrar (CS-V)
(dated: 08/06/2018)

//True Copy//

ggs

Sub Assistant Registrar

To

1.The Superintendent of Prisons,
Central Prison-I
Puzhal, Chennai - 600066. (BY FAX)

**TO BE SUBSTITUTED
THE ORDER ALREADY
DESPATCHED ON 05.06.2018**

2.The Special Government Pleader
High Court, Madras.

+1cc to Mr.R.RAJAN, Advocate, S.R.No.34402 **(35727)**
+1cc to the Government Pleader, S.R.No. 34460

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TR(05/06/2018)

TR(08/06/2018)