

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2018

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.27497 of 2018

Vanitha

... Petitioner

Vs.

1. The Secretary,
Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai - 600 009.

2. The Deputy Inspector General of Prison,
Central Prison,
Vellore.

3. The Superintendent of Prison,
Sub Jail,
Gingee,
Villupuram District.

4. The Inspector of Police,
Prohibition and Enforcement Wing,
Gingee,
Villupuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of Mandamus, by directing the respondents to grant parole to the husband of the petitioner by name Ganesan, male aged 45 years, now under incarceration at Sub Jail, Gingee, Villupuram District, for a period of three days from 18.10.2018 to 20.10.2018 to perform the marriage of his daughter, G.Sowmiya, which is scheduled to be held on 19.10.2018, on the representation of the petitioner dated 13.10.2018.

For Petitioner : Mr.C.Prabakaran

For Respondents: Ms.Kritika Kamal.P

Government Advocate (Crl.side)

O R D E R

This writ petition has been filed seeking for a direction to the respondents to grant release to the petitioner's husband (Ganesan) in order to attend the wedding of his daughter scheduled to be held on 19.10.2018.

2. The learned counsel for the petitioner would submit that the petitioner's husband was arrested in a case registered by the fourth respondent in Crime No.588 of 2018 for an alleged offence under Section 4(1)(aaa) and 4(1-A) of the Tamilnadu Prohibition Act, r/w 5,6 and 7A of the Tamilnadu Rectified Spirit Rules, 2000. The petitioner's husband was remanded to Judicial Custody on 11.09.2018 and the petitioner's husband continuous to be a under trial prisoner. In the meantime, the marriage of the petitioner's daughter was fixed and is to be held on 19.10.2018.

3. The learned counsel for the petitioner would submit that the petitioner's husband has filed a bail petition before the Principal District and Sessions Judge, Villupuram and the same has been adjourned to 24.10.2018. In the meantime, the petitioner's husband must be permitted to attend the marriage of his daughter to be held on 19.10.2018.

4. The learned Government Advocate (Crl.side) would submit that the writ petition of this nature is not maintainable. The learned Government Advocate would further submit that the petitioner has to work out her remedy only before the Court below where the bail petition is pending.

5. This Court has carefully considered the submissions made on either side. The petitioner has approached this Court under extraordinary circumstances. The petitioner's husband is an under trial prisoner and has been in custody at Sub Jail, Ginjee from 11.09.2018. His bail petition is also pending before the concerned Court and the same has been adjourned to 24.10.2018.

6. In the meantime, the marriage of petitioner's daughter is fixed on 19.10.2018. The remand prisoner, as a father, wants to conduct the wedding of his daughter.

7. In the facts and circumstances of the case, there shall be a direction to the third respondent to release the petitioner's husband on 18.10.2018 at 5.30.p.m., along with Police Escort and permit the petitioner's husband to attend the wedding of his daughter on 19.10.2018 and thereafter, the petitioner's husband should surrender before the third respondent on 20.10.2018 at 5.30.p.m. Throughout this period, the petitioner's husband shall be accompanied by a Police Escort. It is also made clear that the petitioner's husband shall remain at Kilpennathur, Tiruvanamalai District. Throughout this period, the petitioner's husband should not go to any other place and immediately, he should surrender before the third respondent on 20.10.2018 at 5.30 p.m. The petitioner's husband should again be confined in the Sub Jail, Gingee. The petitioner's husband shall thereafter workout his

remedy in the bail petition pending before the Principal District and Sessions Judge, Villupuram.

8. With the above directions, the writ petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

at/msv
To

1. The Secretary,
Government of Tamilnadu,
Home Department,
Fort St.George,
Chennai - 600 009.
 2. The Deputy Inspector General of Prison,
Central Prison,
Vellore.
 3. The Superintendent of Prison,
Sub Jail,
Gingee,
Villupuram District.
 4. The Inspector of Police,
Prohibition and Enforcement Wing,
Gingee,
Villupuram District.
 5. The Public Prosecutor,
High Court,
Madras.
 6. The Principal District and Sessions Judge
Villupuram.
- +1 CC to Mr.C. Prabhakaran, Advocate sr 71595.

W.P.No.27497 of 2018

VSNII(CO)
SP(17/10/2018)