



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.909 of 2018

C.Vishwanathan

... Petitioner

-Vs-

1.State of Tamilnadu,
Rep. by the Secretary to Government,
Home (Prison IV) Department,
Secretariat, Fort St George,
Chennai-600 009.

2.The Additional Director General of Prison,
Egmore,
Chennai-600 008.

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

... Respondents

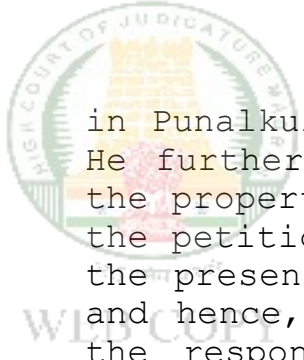
Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's brother namely Ramanathan S/o.Late.Chidambaram Udaiyar C.P.No.16880 on Parole from Central Prison, Tiruchirappalli for the period of one week.

For Petitioner : Mr.R.Rajaraman
For Respondents : Mr.V.Anand
Government Advocate

O R D E R

This petition has been filed to direct the respondents to release the petitioner's brother, namely, Ramanathan S/o.Late.Chidambaram Udaiyar C.P.No.16880 on Parole from the Central Prison, Tiruchirappalli, for a period of one week.

2.The learned counsel appearing for the petitioner has submitted that the said Ramanathan was convicted by the Principal District-cum-Sessions Court, Thanjavur in S.C.No.214 of 2017 under Section 302 IPC and sentenced him to undergo life imprisonment and thereafter, the said Ramanathan has filed an appeal before this Court in S.C.No.182 of 2009 and the same was also dismissed by this Court. He further submitted that the family members have decided to partition their family properties, which are situated



in Punalkulam Village, Kantharvakottai Taluk, Pudukottai District. He further submitted that after dividing the properties, some of the properties have to be sold to meet out the medical expenses of the petitioner and for executing the partition deed and sale deed, the presence of the said convict namely, Ramanathan, is necessary and hence, he requested this Court to give suitable direction to the respondent to release the said Ramanathan on parole for a period of one week.

3.The learned Government Advocate (Crl.side) has submitted that already the said convict Ramanathan submitted an application before the third respondent citing the reason that his brother is seriously ill and he has to see him and the said application was allowed and leave was sanctioned to the said Ramanathan for three days from 18.01.2018 to 20.01.2018, but due to the absence of the police escort, the said order was not implemented and he has also produced a copy of the said order.

4.A perusal of the order passed by the third respondent, dated 17.01.2018 shows that the convict Ramanathan was granted leave for three days from 18.01.2018 to 20.01.2018 for seeing his ailing brother kasinathan, but, now another brother, namely Vishwanathan has filed the present application citing the reason that the said Ramanathan has to be released on parole for executing the partition deed and sale deed.

5.Considering the aforesaid submission, the petitioner is directed to give a fresh representation fixing the dates for parole of the said Ramanathan, within three days and on submitting such representation, the third respondent has to consider and pass appropriate order within a week thereafter.

6.With the above direction, this writ petition is disposed of. No cost.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Home (Prison IV) Department,
Secretariat, Fort St George,
Chennai-600 009.

2.The Additional Director General of Prison,
Chennai-600 008.



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

+1cc to M/S.R.Rajaraman, Advocate SR.No. 43176

W.P. (MD) No.909 of 2018
22.01.2018

rmk

JM/SKN RSK/SAR 2/23.01.2018/3P/5C