

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 13.02.2018**

WEB COPY

CORAM :**THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN****W.P. (MD) No.12866 of 2014**

Sudaroli

... Petitioner

Vs.

1.State of Tamil Nadu, rep.by
The Principal Secretary to Government,
Home (Prison) Department,
Tamil Nadu Government Chief Secretariat,
Fort St.George, Chennai - 9.

2.The Additional Director General of Police/
Inspector General of Prisons,
C.M.D.A.Towers - II,
No.1, Gandhi Irvin Road,
Egmore, Chennai - 8.

3.The Superintendent of Central Prison,
Tiruchirapalli Central Prison,
Tiruchirapalli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant parole for a period of 2 months to her husband namely Appu @ Ravikumar S/o. Muthu who is a life convict prisoner, now detained in Central Prison, Tiruchirappalli for Medical treatment on the basis of the petitioner's representation dated 01.08.2014.

For Petitioner : No appearance

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondents to grant parole for a period of 2 months to the petitioner's husband namely Appu @ Ravikumar S/o. Muthu, who is a life convict prisoner, now detained in Central Prison,



Tiruchirappalli for Medical treatment, on the basis of the petitioner's representation dated 01.08.2014.

2. There is no representation for the petitioner.

3. According to the petitioner, her husband viz., Appu @ Ravikumar has been convicted by the Additional District and Sessions Judge - cum - Chief Judicial Magistrate, Kumbakonam in S.C.No.15 of 1997, which was also confirmed by this Court in CrI.A.No.569 of 1999 and he was confined in Central Jail, Trichirapalli. Since the petitioner's husband is suffering from cervical disc bulging, he requires treatment in a private hospital. In the above circumstances, the petitioner sought parole for a period of two months.

4. The third respondent, Superintendent of Prisons, Trichirapalli has sent a communication dated 12.08.2014 to the Special Government Pleader stating that already the petitioner has been given emergency leave for three days on 04.10.2001 to attend her mother, who was seriously ill. But, he has not returned to prison, even after expiry of the leave. Hence, a case has been registered under Section 224 IPC. Under the said circumstances, he is not eligible for ordinary leave as per Rule 21(d) of the Tamil Nadu Suspension of Sentence Rules, 1982. Further it is stated that the petitioner's husband was examined by a Neuro Surgeon of Mahatma Gandhi Memorial Government Hospital, Trichirapalli and the convict was advised a conservative management for his medical diseases and he can be managed in central prison hospital with proper medicine.

5. Considering the fact that the petitioner's husband has already availed three days emergency leave and subsequently he absconded and a case has been registered under Section 224 IPC and also considering the fact that the petitioner's husband has been treated by a Neuro Surgeon of Mahatma Gandhi Memorial Government Hospital, Trichirapalli and suggested that the petitioner's husband can be managed in the Central Prison hospital with proper medicine, the relief sought by the petitioner cannot be granted at this stage. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (P & A)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Home (Prison) Department,
Tamil Nadu Government Chief Secretariat,
Fort St. George, Chennai - 9.



2.The Additional Director General of Police/
Inspector General of Prisons,
C.M.D.A.Towers - II,
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3.The Superintendent of Central Prison,
Tiruchirapalli Central Prison,
Tiruchirapalli District.

+1cc to Special Government Pleader in SR.No.49025.

WP (MD) No.12866 of 2014
13.02.2018

mj
SDS/KK/SAR 4/27.02.2018/3P/5C