



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2018

CORAM:

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.[MD].No.22998 of 2018

Alagarsamy : Petitioner

Vs.

1. The Secretary to Government
Home Department,
Government of Tamil Nadu
Secretariat, Chennai 600 009.

2.The Superintendent of Prison
Madurai Central Prison,
Madurai District.

3.The Inspector of Police
SPE-CBI-ACB, Madras. : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent No.2 to grant five days parole to Petitioners brother Santhanakrishnan son of Subbaiah (C.P.No.6751), a convict for attending final rituals relating to his mother namely, Sittammal.

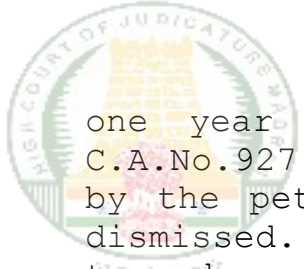
For petitioner : Mr.R.Venkatesan

For respondents : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the second respondent to grant five days parole to Petitioner's brother Santhanakrishnan, Son of Subbaiah (C.P.No.6751), a convict prisoner confined in Madurai Central Prison for conducting final rituals relating to his mother namely, Sittammal.

2.The learned counsel for the petitioner would submit that the petitioner's brother Santhanakrishnan is the eldest son in the family and that he has been convicted in C.C.No.7 of 2002 by the Special Court, CBI, Madurai on 10.06.2013 for the offences under Sections 7 and 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988, to undergo imprisonment for



one year and the same has been confirmed by this Court in C.A.No.927 of 2003 on 22.03.2018. A Special Leave Petition filed by the petitioner's brother before the Apex Court has also been dismissed. Thereby, the petitioner's brother had been convicted to undergo imprisonment for a period of one year. He would submit that the petitioner's brother Santhanakrishnan had surrendered before the Prison Authorities during the month of March 2018 and had almost undergone more than eight months. On 15.11.2018, the petitioner's mother Sittammal passed away. The petitioner's brother/ Santhanakrishnan is the eldest son and hence, he should conduct the last funeral rituals and thereby, the petitioner has given a representation to the first and second respondents. Since the said representation has not been considered so far, the present writ petition has been filed for the above said relief.

3.The learned Additional Public Prosecutor would submit that they have received the representation today only and it is under consideration.

4.Taking into consideration the submission made on either side and also taking into consideration that the convict person being the first son and also has lost his mother, the direction is issued to the second respondent to grant parole to the petitioner's brother Santhanakrishnan, (C.P.No.6751) for three days from today. The petitioner's brother Santhanakrishnan shall surrender before the Jail Authorities on 19.11.2018 at 05.00 p.m. The petitioner's brother Santhanakrishnan shall also report before the Dindigul North Police Station at 07.30 p.m on 17.11.2018 and 18.11.2018 and he shall surrender on 19.11.2018 at 05.00 p.m before the second respondent. The learned Additional Public Prosecutor is directed to inform about this order to the second respondent immediately.

5.With these observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AS)

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Sub Assistant Registrar(CS-II)

To

1. The Secretary to Government
Home Department,
Government of Tamil Nadu

Secretariat, Chennai 600 009.



2.The Superintendent of Prison
Madurai Central Prison,
Madurai District.

3.The Inspector of Police
SPE-CBI-ACB, Madras.

4.The Inspector of Police,
Dindigul North Police Station,
Dindigul District.

COPY TO:

THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.R.Venkatesan, Advocate SR.No. 95577

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