

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31154 OF 2018

ORDER :

This Writ Petition is filed seeking writ of mandamus seeking direction to the 2nd respondent to release the convicts S.Chandra Sekhara Rao (CT. 5502) and S.Renukaiah (CT No.5503), I.Venkaiah (CT.No.5505) for a period of one week i.e., from 30.08.2018 to 06.09.2018 so as to enable them to attend the marriage on 31.08.2018.

Heard Sri K.Srinivasa Reddy, learned counsel for the petitioners and learned Government pleader for Home appearing for respondents.

The petitioner is the brother of the convicts S.Chandra Sekhara Rao (CT. 5502) and S.Renukaiah (CT No.5503), I.Venkaiah (CT.No.5505), now lodged in Central Prison, Kadapa. When the trial Court acquitted the Accused in Crime No.35 of 2003 for the offences punishable under Sections 302 r/w 149 IPC, same was set aside by this Court in CrI.A.No.340 of 2009 and CrI.R.C.No.643 of 2008 preferred by the State and defacto complainant respectively. Aggrieved by the same, accused preferred CrI.A.Nos.119-120 of 2014 before the Hon'ble Supreme Court, the same were dismissed on 13.04.2017 confirming the conviction of the convicts. Since the convict's brother son is getting married on 31.08.2018, they filed this petition to allow the convicts to attend the said marriage.

Learned counsel for the petitioner submits that this Court has ample power under Article 226 of the Constitution of India to allow the convicts to attend their brother's son's marriage.

On the other hand, learned Government Pleader for Home submits that without making necessary application, the petitioner straight away filed Writ Petition, which is not maintainable. She submits that the petitioner has to make an application to the Superintendent of Jail, who in turn forward the same to the Inspector General of Police, who has to take decision. She further submits that though the convicts are on parole from 30.06.2018 till 31.07.2018, they have not made any application so far.

In this case, it is to be seen that the petitioner, without making any application to the Superintendent of Central Prison-2nd respondent, straight away filed the present Writ Petition. The petitioner as well as the convicts were aware of the marriage is fixed on 31.08.2018, as such, they could have made proper application before the competent authority for the relief claimed in this Writ Petition, but straight away filed the present Writ Petition.

In view of above facts and circumstances, I am not inclined to entertain the Writ Petition.

Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, shall stand dismissed.

A.RAJASHEKER REDDY, J

30-08-2018.
kvs

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.31154 of 2018

Date: 30.08.2018



kvs