

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41935 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue order or orders, direction or directions, Writ or writs particularly one in the nature of Writ of Mandamus and declare the in action of the respondents in not considering the application made for parole on behalf petitioner’s father Sri Chintha Srinivasa Rao (C.T.No 3120) and his junior paternal uncle Sri Chinta Krishna (C.T.No 3431) is illegal, arbitrary, against the principles of natural justice and violation of Article 14, 21 of the Constitution of India and against the provisions of the Andhra Prison Rules consequently direct the respondents to grant parole to the above persons to the extent of their eligibility and to pass such other order or orders as are necessary in the interest of justice.”

2. I have heard the submissions of Sri *G.Butchaiah Goud*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.), appearing for the respondents 1 to 3. I have perused the material record.

3. Learned counsel for the petitioner submits as follows: ‘The father and brother of the father of the petitioner were convicted for the offences punishable under Sections 452 & 307 read with 34 of Indian Penal Code, 1860, and were sentenced to undergo imprisonment for a period of ten (10) years each and that thereafter, they are confined in Central Prison, Rajahmundry, and are serving sentences. They are eligible for parole as per the Prison Rules. The mother of the said two convicts, who is aged more than 65 years was suffering from various ailments and is bed ridden. She gave a representation, dated 03.11.2017, to consider sympathetically the

request for release of the above convicts on parole. However, the said application is not considered and disposed of by the Superintendent, Central Prison, Rajahmundry. Hence, the present writ petition is filed.'

4. At the hearing, learned counsel for the petitioner submits that if a direction is given to the said Officer to consider and dispose of the representation afore-stated, in accordance with procedure established by law and Prison Rules, the ends of justice would be met.

5. Learned Government Pleader endorses the said submissions.

6. Recording the submissions, the Writ Petition is disposed of directing the respondents 2 & 3 to consider and dispose of the representation, dated 03.11.2017, submitted by the mother of the convicts, namely Smt. Chintha Annapurna, resident of Anakoderu Canal, Undi Road, Bhimavaram – 534 202, West Godavari District, in strict accordance with procedure established by law and Prison Rules, within a period of two (02) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

Date: 23rd April, 2018

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