

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.420 of 2019

G.Lawrence

... Petitioner

Vs.

1.The State of Tamilnadu rep. By
The Superintendent of Central Prison-1,
Puzhal, Chennai - 600 066.

2.The Commissioner of Police,
Greater Chennai Corporation,
Vepery, Chennai.

3.The Addl.Director General of Police/
I.G. of Prisons,
Whannels Road, Egmore,
Chennai - 600 008.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Mandamus, directing the respondents to immediately arrange for the police escort from the Chennai city police which is under the control of the 2nd respondent in order to accompany petitioner's husband D.Gabriel, Son of Devasagayam, a convicted prisoner number 4903 at Central Prison-1, Puzhal, Chennai, to enable him to be released on parole to see his own sister Mrs.Alphonse Mary who is now residing at Virudhunagar.

For Petitioner : Mr.K.M.Subrahmaniam

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This Writ petition has been filed seeking for direction to consider the representation made by the petitioner seeking for emergency leave.

2. The petitioner is the wife of one Gabriel, who is a life convict. He was convicted for an offence under Section 302 IPC in S.C.No.50 of 1989 . The convict number is 4903. The petitioner has sought for leave for the said convict more than eighteen times from the year 2000 onwards and every time the life convict has complied with the conditions and has returned back to the prison.

3.The present representation has been given on the ground that the sister of the convict is in a very serious condition and the petitioner has to attend to her and therefore, the representation was made by the petitioner seeking for emergency leave. The letter given by the petitioner was positively considered by the Inspector General of Police, Rural Police Station, Virudhunagar on 23.12.2017 and a recommendation was made for granting emergency leave to the petitioner. Even thereafter, the petitioner was not let out on leave. Therefore the petitioner made a representation to the first respondent on 28.09.2018. This representation has not been considered. Therefore, the present petition has been filed seeking for appropriate directions.

4. This Writ Petition is disposed of with a direction to the first respondent to consider the representation dated 28.09.2018 made by the petitioner seeking for emergency leave for the life convict namely Gabriel and consider the same strictly in accordance with the Rules 6,7,10 & 13 of the Tamil Nadu Suspension of Sentence Rules, 1982 and pass appropriate orders within a period of two weeks from the date of receipt of copy of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

lpp/vsa

To

1.The Superintendent of Central Prison-1,
Puzhal, Chennai - 600 066.

2.The Commissioner of Police,
Greater Chennai Corporation,
Vepery, Chennai.

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3.The Addl.Director General of Police/
I.G. of Prisons,
Whannels Road, Egmore,
Chennai - 600 008.

4. The Public Prosecutor,
Madras High Court, Chennai-104.

+1 cc to Mr.K.M.Subramaniam, Advocate SR.No.3730

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SVI (CO)
CSL/07.02.2019



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