

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.8871 of 2019

D.Kamalam

...Petitioner

Vs.

1.The Deputy Inspector General of Prisons
Chennai Range
Whannels Road, Egmore
Chennai 600 008

2.The Superintendent of Central Prisons
Central Prison (convict)
Puzhal-1, Chennai 600 066 ... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the respondents to grant parole or ordinary leave to the petitioner's husband and son-in-law namely Dakshana Moorthy and Palanivel with inmate numbers 7217 & 7258 respectively, now confined in central prison, Puzhal-I, Chennai, in pursuant to the petitioners representation dated 08.03.2019 to 2nd respondent and dated 12.03.2019 to the 1st respondent herein for a period of 60 days without police escort.

For Petitioner : Mr.V.Ramana Reddy

For Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This Writ Petition has been filed by the petitioner to issue a writ of mandamus, directing the respondents to grant parole or ordinary leave to the petitioner's husband and son-in-law namely Dakshana Moorthy and Palanivel with inmate numbers 7217 & 7258 respectively, now confined in central prison, Puzhal-I, Chennai, in pursuant to the petitioners representation dated 08.03.2019 to 2nd respondent and dated 12.03.2019 to the 1st respondent herein for a period of 60 days without police escort.

2.The learned counsel for the petitioner would submit that

the petitioner's husband is A4 and A2 is her son-in-law. The petitioner's husband is convicted for the offence under Section 420 IPC and her son-in-law is convicted for the offence under Section 419 IPC by the learned XI Additional Judge for CBI cases in C.C.No.63 of 2004. The order of the XI Additional Judge for CBI cases in C.C.No.63 of 2004 was confirmed by this Court in Crl.A.No.267 of 2009 dated 23.10.2018 with modification in the period of imprisonment i.e. the sentence is brought down to 2 years for both the petitioner's husband and her son-in-law respectively.

3.The learned counsel would further submit that the petitioner would further submit that the petitioner's husband is a senior citizen and he is aged about 80 years and as per his health conditions he needs the assistance of a doctor. Outlining this aspect, the petitioner sent a letter to the 1st respondent on 08.03.2018 and to the 2nd respondent on 12.02.2019. The same was not considered by the respondents. Aggrieved by the same, the petitioner is before this Court.

4.It is seen from the records that the accused have preferred Special Leave Petition (Criminal) with Diary No.(s) 21790 & 21781/2018 and also filed an application for exemption from surrendering before the Hon'ble Supreme Court. The same was rejected by the Hon'ble Supreme Court by its order dated 17.09.2018. However, six weeks time was granted to the accused to surrender and file proof thereof, failing which it shall be presumed that the accused are not interested in pursuing the special leave petition, which shall stand dismissed without reference to the Court. Thereafter, the petitioner has now preferred this writ petition for direction, directing the respondents to grant parole or ordinary leave to the petitioner's husband and her son-in-law.

5.Considering the facts and circumstances, the prayer sought for by the petitioner cannot be granted as the same is devoid of merits.

6.Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Inspector General of Prisons
Chennai Range
Whannels Road, Egmore
Chennai 600 008

2.The Superintendent of Central Prisons
Central Prison (convict)
Puzhal-1, Chennai 600 066

3.The Public Prosecutor,
High Court of Madras.

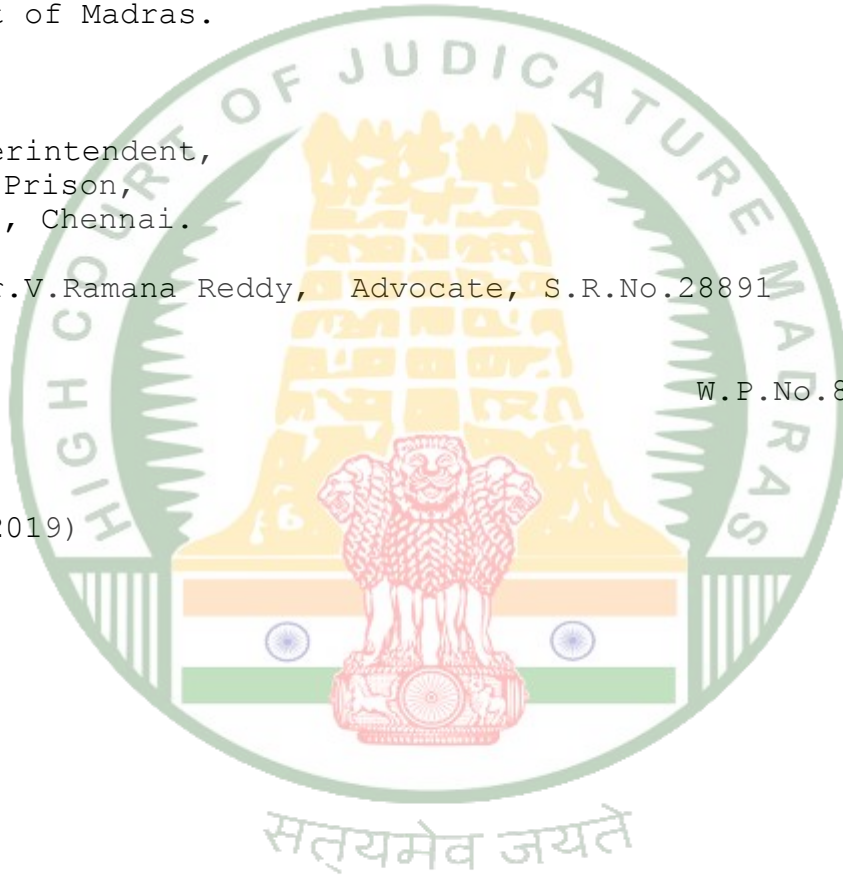
Copy To

The Superintendent,
Central Prison,
Puzhal I, Chennai.

+1cc to Mr.V.Ramana Reddy, Advocate, S.R.No.28891

W.P.No.8871 of 2019

RV(CO)
GN(26/04/2019)



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