

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD
H.C.P.No.916 OF 2019

Lavanya

.. Petitioner

vs.

1.The Government of Tamil Nadu,
rep. by its Secretary to Government,
Home (Prison IV) Department,
Fort St.George, Chennai - 9.

2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai - 8.

3.The Superintendent of Central Prison,
Vellore - 2.

..

Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus petition directing the respondents herein to produce the detenu V.Senthil Kumar, Life Convict No.24027, detained at Central Prison, Vellore before this Court and direct the respondents to grant PAROLE to the detenu for a period of 30 days without police escort in pursuant to petitioner's representation dated 29.04.2019.

For Petitioner .. Mr.B.Nambi Selvan

For Respondents .. Mr.C.Iyyapparaj,
Additional Public Prosecutor

O R DER

(Order of the Court was made by S.VAIDYANATHAN, J.)

The Petitioner, who is the wife of a Life Convict, namely, V.Senthil Kumar (Life Convict No.24027, has filed this Habeas Corpus Petition for a direction to the respondents herein to produce her husband, detained at Central Prison, Vellore before this Court, with further direction to the respondents to grant Parole to the detenu for a period of 30 days without police escort, pursuant to her representation dated 29.04.2019.

2. Mr.C.Iyyapparaj, learned Additional Public Prosecutor takes notice for the respondents. By consent on either side, this matter has been taken up for final disposal at the admission stage itself.

3. Heard both sides and perused the materials available on record carefully.

4. A perusal of the records would go to show that the husband of the petitioner, namely, Senthil Kumar has been undergoing life sentence at Central Prison, Vellore in connection with a Sessions Case No.126 of 2006 dated 17.12.2007 for the offences under Sections 302 r/w.34, 201 and 392 of IPC. It appears that the said conviction and sentence have been confirmed by the High Court in C.A.No.89 of 2008 dated 30.04.2009 and subsequently by the Hon'ble Supreme Court also.

5. It is further seen that on earlier occasion, this Court, by an order dated 17.12.2018 made in HCP.No.2754 of 2018 had granted parole to the Life Convict for one month parole for disposal of his properties. Now, the Petitioner has again made a representation dated 29.04.2019 to the respondents to grant parole to her husband for a period of 30 days without police escort so as to enable him to dispose of his property for maintenance of the family as well as for educating their two children.

6. It is pertinent to mention here that the husband of the Petitioner is neither a remand prisoner nor has been detained illegally in the Prison, warranting interference by this Court by invoking the Special Original Jurisdiction under Article 226 of the Constitution of India. The procedure for the grant of parole in respect of a convicted prisoner, that too a Life Convict, has to go long run in terms of the provisions of the Tamil Nadu Suspension of Sentence Rules, 1982, Prison Manuals, etc. and it cannot be decided blindly without the report of the Probation Officer and therefore, we are of the view that the present Habeas Corpus Petition is not maintainable.

7. However, considering the nature of relief sought for by the Petitioner, we direct the respondents to dispose of the petitioner's representation dated 29.04.2019 in connection with granting parole to her husband, namely, V.Senthil Kumar, Life Convict No.24027, detained at Central Prison, Vellore, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above observation and direction, the Habeas Corpus Petition is disposed of.

Sd/-
Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

To:

- 1.The Secretary to Government,
Government of Tamil Nadu,
Home (Prison IV) Department,
Fort St.George, Chennai - 9.
 - 2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai - 8.
 - 3.The Superintendent of Central Prison,
Vellore - 2.
- +1cc to Mr.B.Nambi Selvan, Advocate sr.43387

H.C.P.No.916 of 2019

rsv(co)
nr 09/05/2019

सत्यमेव जयते

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