

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.07.2019

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

H.C.P. No.1487 of 2019

Saraswathi

... Petitioner

-vs-

1.The Home Secretary,
Home Department,
Secretariat, Fort.St.George,
Chennai.

2.The Additional Director General of Prison(Prison),
Whannels Road, Egmore,
Chennai - 8.

3.The Superintendent of Prison,
Central Prison,
Cuddalore.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents to grant parole for thirty days to the petitioner's son named Chellappa son of Pitchaikannu (Convicted Prisoner No.13425) aged 36 years, now confined in the Central Prison, Cuddalore before this Court and further directing the respondents to consider him immediately for the parole.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.C.Iyyappa Raj
: Addl. Public
Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Seeking a direction to the respondents to grant parole for thirty days to the petitioner's son named Chellappa son of Pitchaikannu (Convicted Prisoner No.13425) aged 36 years, now confined in the Central Prison, Cuddalore, the present petition has been filed.

2.The petitioner seeks ordinary leave on the ground that the father of the convict is sick.

3.The learned Additional Public Prosecutor raised two objections. One is with respect to the past conduct of the convict having overstayed for few days and the second is on the condition of his father.

4. We are of the view that the convict overstayed for two days in the year 2015 and now four years have elapsed. There is nothing to suggest that his conduct within the prison is bad. Therefore, the first objection raised by the learned Additional Public Prosecutor stands rejected.

5. On the second objection raised, admittedly the father of the convict is old and he was taking treatment, though according to the respondents, as an Out Patient.

6.Thus, inasmuch as the ailment coupled with the age of the father of the convict is not in dispute, we are inclined to grant 15 days parole to the convict. Accordingly, the Habeas Corpus Petition stands disposed of and the convict shall be released at 10.00 a.m. on 30.07.2019 and he shall return back to prison at 05.00 p.m. on 13.08.2019 subject to the usual conditions that can be imposed.

Post the matter 'for reporting compliance' on 14.08.2019

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Home Secretary,
Home Department,
Secretariat, Fort.St.George,
Chennai.

2.The Additional Director General of Prison(Prison),
Whannels Road, Egmore,
Chennai - 8.

3.The Superintendent of Prison,
Central Prison,
Cuddalore.

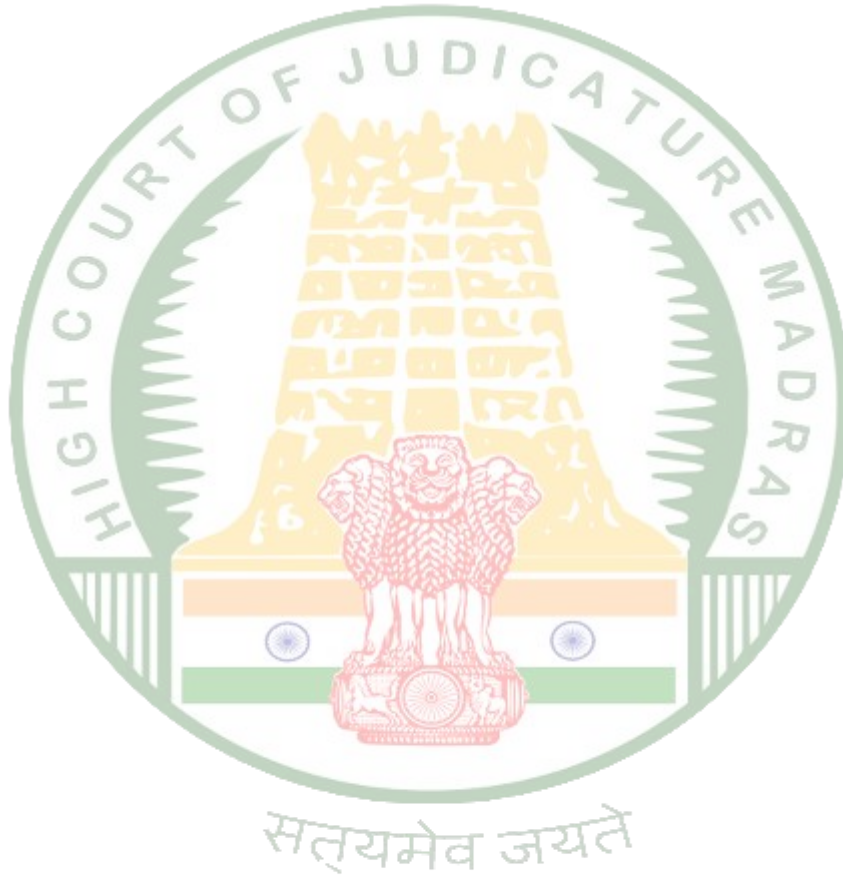
4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Amirthalingam, Advocate, S.R.No.64080

H.C.P. No.1487 of 2019

KK(CO)

RRS (29/07/2019)



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