

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.22354 of 2019
and W.M.P.No.21667 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 - 600 009.
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: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records of the 3rd respondent made in No.24027/Tha Ku/2019 dated 06.06.2019 and quash the same and consequently direct the respondents to grant parole to the petitioner's husband V.Senthil Kumar, Life Convict No.24027, detained at Central Prison, Vellore for a period of 30 days without police escort.

For Petitioner : Mr.B.Nambiselvan
For Respondents : Mr.C.Iyyapparj
Additional Public Prosecutor

ORDER

I do not find any infirmity in the order of rejecting the petitioner's request to be released on parole since the provisions of the Tamil Nadu Suspension of Sentence prohibits grant of extension of leave with pre-conditions that the prisoner should have completed two years of imprisonment from the date which he returns from the last ordinary leave. It is not in dispute that the said period of two years has not lapsed.

2.The learned counsel for the petitioner submitted that for the purpose of raising funds for his children's education, he intends to dispose of her husband's property for which the husband's presence is required. The learned counsel for the petitioner would also submit that they have identified the purchaser for the petitioner's husband property and that if fifteen days time is granted, it would enable them to dispose of the property and thereby meet the exigencies for their children's education. Taking a sympathetic view on this aspect and also taking into consideration of the reason for which the funds are sought to be raised, there shall be a direction to the 2nd respondent herein to grant parole to the petitioner's husband namely V.Senthil Kumar, Life Convict No.24027, detained at Central Prison, Vellore for a period of fifteen days along with the police escort, within one week from the date of receipt of a copy of this order. The petitioner shall bear the expenses for such police escort.

3.Accordingly, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr/bri
To

1. The Secretary to Government,
Home (Prison IV) Department,
Fort St. George, Chennai - 600 009.
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.

Copy to:

The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Nambiselvan , Advocate SR.No. 87227

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A.SK(25/09/2019)