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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2591 of 2019

Leena
W/o.Sugunaraj

... Petitioner

Vs

- 1.The Chief Secretary to Government,
Chief Secretariat,
No.1, Goubert Avenue,
Puducherry - 605001.
- 2.The Inspector General of Prisons,
No.1, Mathur Road, Kalapet,
Puducherry - 605014.
- 3.The Chief Superintendent of Prisons,
No.1, Mathur Road, Kalapet,
Puducherry - 605014.
- 4.The Superintendent of Prisons,
No.1, Mathur Road, Kalapet,
Puducherry - 605014.
- 5.State represented by
The Inspector of Police,
Odiansalai Police Station,
Puducherry State.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to grant parole for 60 days to S.Manikandan (Life Convict No.4954 - presently serving life sentence at Central Prison - Pudhucherry) considering the petitioner's representation dated 15.11.2019.

For Petitioner : Mr.M.Govindaraju
For Respondents: Mr.D.Bharathachakravarthi
Public Prosecutor (Puducherry)



O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner/mother of S.Manikandan, S/o.Sugunaraj, Convict No.4954, now confined at Central Prison, Puducherry, has filed the present petition seeking a direction to respondents to grant parole for 60 days to her son by considering the petitioner's representation dated 15.11.2019.

2. Heard learned counsel for petitioner and learned Public Prosecutor (Puducherry) appearing for respondents.

3. Learned counsel for petitioner submits that petitioner's son is a life convict and confined at Central Prison, Puducherry, right from the year 1998. Petitioner's son has been granted only two days leave by this Court under order dated 27.04.2016 in H.C.P.No.799 of 2016. Thereafter, he has not availed leave. Since the petitioner is suffering from health issues, she submitted a representation to respondents on 15.11.2019 seeking parole to her son. Since no action was taken, the present petition has been filed seeking the aforesaid relief.

4. Learned Additional Public Prosecutor appearing for respondents vehemently opposes the present petition stating that number of cases are pending against the life convict and hence, he is not entitled either for emergency or ordinary leave.

5. This Court, considering the genuine reason for seeking parole, is of the view that leave could be granted to the petitioner's son for a period of ten days. Accordingly, this Court directs as follows:

- (a) Respondents are directed to release the life convict S.Manikandan, S/o.Sugunaraj, Convict No.4954, now confined at Central Prison, Puducherry, on ordinary leave for a period of ten **days i.e., 02.01.2020 to 12.01.2020.**
- (b) The life convict shall be released on **02.01.2020** at 10.00 a.m. and he shall be brought back to the Central Prison, Puducherry, on **12.01.2020** at 05.00 p.m.
- (c) Respondents are directed to follow the procedures prescribed in the prison manual for ensuring the safety and providing necessary security and escort facilities to the life convict during the period of leave.
- (d) The expenses incurred for taking the life convict to visit his mother and for being brought back to Central Prison, Puducherry, shall be borne by petitioner.
- (e) Erection of digital banners and any celebration in connection with the leave of life convict is strictly prohibited.



6. The Habeas Corpus Petition is disposed of with the above direction.

Post 'for reporting compliance' on **13.01.2020**.

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Sd/-

Assistant Registrar(CS III)

dated:17.12.2019

***corrected as per order of
this Court dated 20.12.2019**

-s/d-

Assistant Registrar(CSIII)

dt 20/12/2019

//True Copy//

Sub Assistant Registrar

To

1.The Chief Secretary to Government,
Chief Secretariat,
No.1, Goubert Avenue,
Puducherry - 605001.

2.The Inspector General of Prisons,
No.1, Mathur Road, Kalapet,
Puducherry - 605014.

3.The Chief Superintendent of Prisons,
No.1, Mathur Road, Kalapet,
Puducherry - 605014.

4.The Superintendent of Prisons,
No.1, Mathur Road, Kalapet,
Puducherry - 605014.

5. The Inspector of Police,
Odiansalai Police Station,
Puducherry State.

6. The Public Prosecutor(Puducherry)
High Court, Madras.

+2cc to Mr.M.Govindaraju, Advocate sr.**105998**

**to be substituted
For the order already
despatched on
18.12.2019**

H.C.P.No.2591 of 2019

nr 17/12/2019

A.SK(20/12/2019)