

Crl.M.P.No.18604 of 2019
in Crl. Appeal No.166 of 2018

R.MAHADEVAN, J.

This Criminal Miscellaneous Petition is filed by the petitioner / appellant (Sivakumar) seeking to provide parole to the petitioner for two days, i.e., on 17th and 18th of December 2019 to attend the last rites of his father, pending disposal of Criminal Appeal No.166 of 2018.

2. By judgment dated 04.10.2017 in C.C.No.12 of 2016 passed by the learned Special Judge for Narcotic and Psychotropic Substances Cases, Chennai, the petitioner was convicted for the offence under Section 8 (c) read with 20 (b) (ii) (c) of NDPS Act and sentenced to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo two-and-half years Rigorous Imprisonment. Challenging the said conviction and sentence, the petitioner has preferred the above Criminal Appeal. Pending appeal, this Crl.M.P. has been filed by the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner's father, Selvam, aged 75, died on 04.12.2019 and the same was certified by a Doctor at M/s. Ponmaaligai Private Hospital, Adambakkam, Chennai; the petitioner's father cremation took place on 06.12.2019 at the Corporation of Chennai, Velachery Burial Ground, Chennai - 42; the family of the petitioner has arranged the last rites to be held on 17.12.2019 and

18.12.2019 at the house of the petitioner at No.537, 2nd Dr.Ambedkar Nagar, Adambakkam, Chennai - 88.

4. The learned counsel thus submitted that the petitioner, being the second son, is expected to be at his residence for the last rites that is being held. He also submitted that the petitioner is ready and willing to abide any of the stringent conditions which may be imposed by this Court.

5. Heard the learned Additional Public Prosecutor on the submissions made by the learned counsel for the petitioner.

6. The submissions made by the learned counsel for the petitioner are supported by the Medical Certificate of Cause of death, dated 04.12.2019 and Burial Ground Report, dated 06.12.2019. This Court is of the opinion that unless the petitioner is granted parole, the family longing for the petitioner would be put to great hardship and irreparable loss.

7. Sharing the grief with the family members may provide a healing touch to the petitioner and vice-versa. Equally, offering last rites would be the thanks giving to the love, nurturing, and guidance that the petitioner received from his father in his formative years. Hence, this Court is of the view that the petitioner / appellant (Sivakumar) be granted parole, on humanitarian considerations.

8. Accordingly, this petition is disposed of and the petitioner / appellant, aged about 45 years, is permitted to go on parole for one day, i.e. on 17.12.2019, 05.00 pm to 18.12.2019, 05.00 pm. The respondent is directed to permit the petitioner to go on parole on the said date and time, subject to the following conditions:-

- (i) The respondent shall follow all the usual procedures and safeguarding measures in accordance with the Prison Manual for ensuring the safety;
- (ii) The respondent shall provide escorts to the petitioner, who shall be in civil dress, who shall all along accompany with the petitioner.
- (iii) The cost for the services of the escorts shall be borne by the petitioner.
- (iv) It is made clear that the petitioner shall be brought back to the Central Prison, Puzhal, Chennai, on 18.12.2019 by 05.00 pm.

17.12.2019

srk

Note to office.: Issue order copy today (forthwith).

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To

1. The Superintendent of Prisons,
Central Prison, Puzhal, Chennai - 66
2. The Public Prosecutor, High Court, Chennai - 104.

R.MAHADEVAN, J.

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