

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**W.P. (MD) No.13116 of 2019**

J.Anitha

... Petitioner

Vs.

1. The Additional Director General of Police (Prisons),
Gandhi Irwin Road,
Egmore,
Chennai.

2. The Superintendent of Central Prison,
Central Prison,
Trichy District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to grant 30 days leave (parole) to the petitioner's father viz., Josephraj (Convict Prisoner No.22862) who is undergoing sentence for three years in Central Prison, Trichy to attend the petitioner's engagement, marriage and reception going to be held on 08.07.2019, 15.07.2019 and 16.07.2019 and before the marriage, the petitioner's father has to distribute invitation to thier entire relatives and friends and he has to purchase the Sridhana articles and also do other marriage ceremonies.

For Petitioner : Mr.C.Susi Kumar

For Respondents : Mr.K.K.Ramakrishnan

Additional Public Prosecutor

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to grant 30 days leave (parole) to the petitioner's father viz., Josephraj (Convict Prisoner No.22862) who is undergoing three years sentence in Central Prison, Trichy, to attend the petitioner's engagement, marriage and reception which are going to be held on 08.07.2019, 15.07.2019 and 16.07.2019.

2. The case of the petitioner is that her father one Josephraj has been convicted under Section 7 r/w. 13(1)(d) of the Prevention of Corruption Act, 1988, and sentenced to undergo 3 years Rigorous Imprisonment, and undergoing sentence from 22.01.2019 and he was confined in Central Jail, Trichy. Now, the petitioner is getting married on 15.07.2019, and an engagement was fixed on 08.07.2019. For that, the petitioner has made an application before the second



respondent seeking 30 days leave for her father, enabling him to attend the engagement ceremony and also marriage. But the application has not been considered by the second respondent. Hence, the petitioner has filed the present writ petition.

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3. Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor on instructions would submit that the petitioner's application has been considered by the second respondent and he granted 3 days leave under Rule 13 of the Tamil Nadu Suspension of Sentence Rules, 1982 (hereinafter referred as 'the Rule').

4. The learned counsel appearing for the petitioner would submit that under Rule 13 of the Rule, the petitioner's father is entitled for 15 days emergency leave in a year, to be spread over in four spells, subject to the maximum of six days in any one spell, according to the need of the petitioner. Since the leave has been sought for marriage to the petitioner and the petitioner's father is entitled for emergency leave under Rule 6 of the Rules, the respondents may be directed to consider minimum 6 days of leave under Rule 13 of the Rules. The learned counsel for the petitioner would submit that even though under the Rule the petitioner's father is entitled for 6 days, the second respondent has passed an order granting leave for three days only.

5. Considering the fact that the emergency leave is sought for only the marriage of the petitioner, and under Rule 13 of the Rule, the petitioner's father is also entitled for minimum 15 days of leave in a year to be spread over four spells and entitled for minimum 6 days leave in one spell. The petitioner is directed to file a fresh representation on or before 2nd July 2019, seeking emergency leave for 6 days, and on filing such representation, the second respondent is directed to consider the same and pass suitable order granting leave as requested by the petitioner, on or before 05.07.2019.

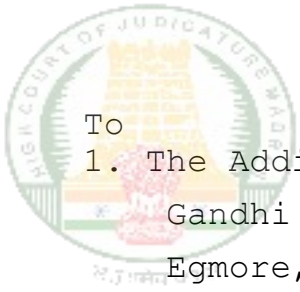
6. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Additional Director General of Police (Prisons),
Gandhi Irwin Road,
Egmore,
Chennai.

2. The Superintendent of Central Prison,
Central Prison,
Trichy District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.SUSI KUMAR, Advocate, SR.No. 71959

Order made in
W.P. (MD) No.13116 of 2019
Dated: **26.06.2019**

AKV

KK/SAR/28.06.2019/3P-5C