



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P. (MD) No.16604 of 2019

S.Iyammal : Petitioner

Versus

1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home (Prison V) Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.

3.The Inspector of Police,
Rajakkamangalam,
Kanyakumari District.

: Respondents

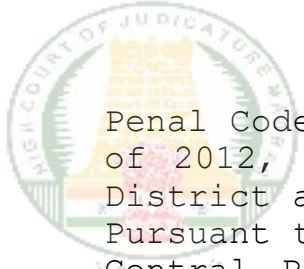
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to release the petitioner's brothers, namely S.Manikandan, S.Iyyappan and S.Babu, on parole for the period of one week who were confined at Palayamkottai Central Prison to attend their father's Thiru.Selvakumar's funeral function to be performed on 25.07.2019.

For Petitioner : Mr.K.Ragatheesh 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 release the petitioner's brothers, namely S.Manikandan, S.Iyyappan and S.Babu, on parole, for a period of one week, who were confined at Palayamkottai Central Prison, to attend their father's Thiru.Selvakumar's funeral function to be performed on 25.07.2019.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The grievance of the petitioner is that, the petitioner's brothers, namely S.Manikandan, S.Iyyappan and S.Babu, were convicted for the offence under Section 302 of the Indian



Penal Code and sentenced to undergo life imprisonment, in S.C.No.53 of 2012, dated 11.04.2019, on the file of the learned Additional District and Sessions Judge (Fast Track), Kanyakumari at Nagercoil. Pursuant to the said conviction and sentence, they were confined in Central Prison, Palayamkottai. Earlier, the petitioner's father met with an accident and was admitted in the hospital and today (24.07.2019) at about 10.30 a.m., he died in Aasaripallam Government Hospital, Kanyakumari District, and his funeral ceremony is scheduled to be held on 25.07.2019. In the above circumstances, in order to attend the funeral ceremony of the petitioner's father, she made an application before the second respondent/the Superintendent, Central Prison, Palayamkottai, Tirunelveli District, seeking for emergency leave to the convicts for a period of one week. But, the same was not considered so far. Hence, the present Writ Petition has been filed.

3. Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor, who takes notice on behalf of the respondents, submitted that now, the convicts were confined in the Central Prison, Palayamkottai. As per the Tamil Nadu Suspension of Sentence Rules, 1982, the convicts are entitled to emergency leave for a total period of 15 days in a year in four spells, with a maximum leave for 6 days and minimum 3 days. In the above circumstances, in this case, the convicts were confined only from the month of April, 2019 and hence, they are not entitled to get emergency leave for seven days.

4. Considering the fact that the father of the convicts died today (24.07.2019) and his funeral ceremony would take place on 25.07.2019, the second respondent/Superintendent, Central Prison, Palayamkottai, Tirunelveli District, is directed to consider the petitioner's application and grant emergency leave to the convicts for three days commencing from today (24.07.2019). The second respondent is also directed to provide adequate police protection to the convicts and ensure that they will return to the prison, after expiry of the emergency leave period.

5. The learned Additional Public Prosecutor appearing for the respondents is directed to communicate this order to the second respondent forthwith.

6. The Writ Petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home (Prison V) Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.

3.The Inspector of Police,
Rajakkamangalam,
Kanyakumari District.

Order made in
W.P. (MD) No.16604 of 2019
Dated: 24.07.2019

KG(CO)
TR (24.07.2019) 3P 4C