



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.10.2019**

CORAM

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**THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

H.C.P (MD)No.830 of 2019

P.Rajeswari

...Petitioner/Mother of the detenu

Vs.

- 1.The State of Tamil Nadu,
represented by the Principal Secretary to Government,
Home (Prison-V) Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
- 2.The Additional Director General of Prison,
Egmore, Chennai - 600 008.
- 3.The Deputy Inspector General of Prison,
Department of Prison,
Madurai Range,
Madurai-16.
- 4.The Superintendent of Prison,
Central Prison,
Madurai.

...Respondents

PRAYER: This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, directing the respondents to grant ordinary leave to the Petitioner's son namely Ravi @ Ravichandran(C.P.No.4967), who has undergone for more than 27 years of imprisonment in connection with former Prime Minister Mr.Rajiv Gandhi's assassination case by complying the submission made in H.C.P(MD)No.1493 of 2018, dated 18.12.2018 and consider the Petitioner's representation dated 27.3.2019 as per Rule 20(i) of the Tamil Nadu Suspension of Sentence Rules,1982, within the time stipulated by this Court.



For Petitioner

:Mr.T.Thirumurugan

For Respondents

: Mr.K.Chellapandian,
Additional Advocate General
assisted by
Mr.K.Dinesh Babu
Addl. Public Prosecutor

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O R D E R

S.VAIDYANATHAN, J.

AND

N.ANAND VENKATESH, J.

This Habeas Corpus Petition has been filed seeking for the release of the detenu by granting ordinary leave. The Petitioner is the mother of the detenu.

2.The Petitioner has approached this Court on an earlier occasion by filing H.C.P(MD)No.1493 of 2018 and this Court passed the following order:

'This Habeas Corpus Petition has been filed by the petitioner, to direct the respondents to grant long parole or ordinary leave to her son namely Ravi @ Ravichandran (C.P.No.4967), S/o.Poyyali, who is undergone for more than 27 years of imprisonment, till the decision taken by the Governor of Tamilnadu on the resolution passed by the Council of Ministers, Tamilnadu dated 09.09.2018 regarding release of seven Tamils, who are in custody for more than 27 years as life convict in connection with the former Prime Minister Mr.Rajivgandhi assassination case.

2.When the matter is taken up for consideration, the learned counsel appearing for the petitioner made a detailed submissions by adverting to the averments made in the affidavit filed in support of this petition.

3.However, the learned Additional Advocate General opposed the prayer of the petitioner to grant long parole or ordinary leave to the petitioner's son. However, he had submitted that any application is preferred before the respondents mentioning a specific period for less than a month on any one of the grounds for grant of ordinary leave as per Rule 20 of Tamil Nadu Suspension of Sentence Rules, 1982, the same would be considered.

4.In view of the submissions made by the learned

Additional Advocate General, there is no need to pass a



specific order in this petition. The petitioner is at liberty to make a representation / application before the concerned authority as per Rule 20 of the Tamil Nadu Suspension of Sentence Rules 1982, for grant of parole to her son, for a specific period if she so desires.

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5.This Habeas Corpus Petition is ordered accordingly. ''

3.Pursuant to the above order, the Petitioner made a representation, dated 27.3.2018, to the respondents seeking for ordinary leave to her son. In spite of the receipt of the representation, since no action was taken by the respondents, the present Habeas Corpus Petition has been filed for appropriate directions.

4.The learned Additional Advocate General appearing on behalf of the respondents submitted that the representation made by the Petitioner has been received and this Court can fix a time limit for the disposal of the said representation, in accordance with law.

5.The learned counsel for the petitioner submitted that the representation was made pursuant to the orders passed by this Court and the same is kept pending without any progress.

6.Taken into consideration the facts and circumstances of the case and also the limited scope of the relief sought for before this Court, there shall be a direction to the first respondent to consider the representation, dated 27.3.2018 made by the Petitioner and dispose of the same strictly in accordance with law and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order.

7.This Habeas Corpus Petition is disposed of, with the above direction.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

vsn



To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Home (Prison-V) Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
 - 2.The Additional Director General of Prison,
Egmore, Chennai - 600 008.
 - 3.The Deputy Inspector General of Prison,
Department of Prison,
Madurai Range,
Madurai-16.
 - 4.The Superintendent of Prison,
Central Prison,
Madurai.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.T.THIRUMURUGAN, Advocate SR-91958.

ORDER MADE IN
H.C.P(MD)No.830 of 2019
15.10.2019

CS (24.10.2019) 4P 7C