



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.18483 of 2019

and

W.M.P (MD) .No.14890 of 2019

WEB COPY

M.Subbaiah

: Petitioner

Versus

1.The Additional Director General of Police and
Inspector General of Prison,
Whannels Road,
Egmore, Chennai - 8.

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

Respondents

:

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Ceriorarified Mandamus, to call for the impugned order passed by the 2nd respondent in No.9144/Tha.ku4/2019 dated 01.08.2019 and quash the same and consequently, directing the 2nd respondent to grant 6 days leave (parole) to the petitioner's son namely Senthilmurugan, S/o.M.Subbaiah, who is undergoing sentence as 11 years in Central Prison, Trichy to make money arrangement for medical expenses and to assist the petitioner's wife at the time of taking treatment.

For Petitioner : Mr.C.Susi Kumar

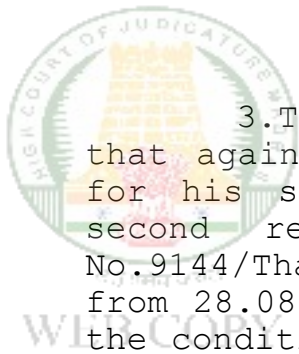
For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor

O R D E R

This writ petition has been filed challenging the impugned order dated 01.08.2019 in referred No.9144/Tha.ku4/2019 and also for a direction, directing the second respondent to grant 6 days leave to the petitioner's son, who has undergone sentence for 11 years in Central Prison, Trichy.

2.Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that by an impugned order dated 01.08.2019 in referred No.9144/Tha.Ku.4/2019, the second respondent has granted 3 days parole to the son of the petitioner with usual condition but the petitioner has not paid the cost for the parole provided by the second respondent. Therefore, the said impugned order has become infructuous.



3.The learned Additional Public Prosecutor further submitted that again the petitioner made a request to the second respondent for his son parole. The said application was considered by the second respondent vide order dated 03.09.2019 in referred No.9144/Tha.ku.4/2019, wherein, he has granted three days parole from 28.08.2019 to 30.08.2019. Accordingly, the petitioner complied the condition imposed by the second respondent and after three days of parole, he was returned to Central Prison at Trichy. Now, the petitioner challenged the earlier order passed by the second respondent dated 01.08.2019 in referred No.9144/Tha.ku.4/2019 and the same has become infructuous.

4.In view of the submission made by the learned Additional Public Prosecutor, this Writ Petition is dismissed as infructuous. However, the learned counsel for the petitioner submitted that the petitioner's son is entitled for 6 days leave, but the second respondent has granted only 3 days leave to the petitioner's son. Therefore, the petitioner is at liberty to make submission to the concerned authorities for granting leave to his son. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Additional Director General of Police and
Inspector General of Prison
Whannels Road, Egmore, Chennai - 8
- 2.The Superintendent Central Prison
Central Prison, Trichy District
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to Mr.C.Susi Kumar, Advocate, SR No.85175.

**W.P. (MD)No.18483 of 2019
and**

**W.M.P (MD) .No.14890 of 2019
03.09.2019**

CS (24.09.2019) 2P 5C