



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No. 20628 of 2019

V. Suresh @ Sathiyaraj

... Petitioner

Vs.

1. The State of Tamilnadu Rep. by
The Principal Secretary,
Home (Prison) Department,
Fort St. George,
Secretariat, Chennai - 600 009.

2. The Additional Director General of Police (Prisons),
The Inspector General of Prisons,
CMDA Tower - II, No.1, Gandhi Irwin Road,
Egmore, Chennai.

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

... Respondents

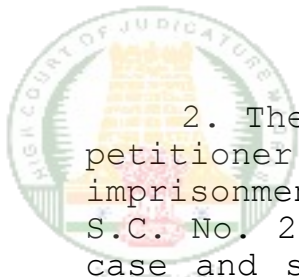
PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to grant 7-days emergency leave to the petitioner by name V. Suresh @ Sathiyaraj, Son of Vadivel aged about 31 years, now confining as a convict prisoner at Trichirapalli Central Prison, to see his ailing father, under Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982 forthwith in accordance with law.

For Petitioner : Mr.R. Alagumani

For Respondents : Mr.R. Anandharaj
Additional Public Prosecutor

ORDER

This writ petition has been filed to direct the respondents to grant 7- days emergency leave to the petitioner by name V. Suresh @ Sathiyaraj, Son of Vadivel aged about 31 years, now confining as a convict prisoner at Trichirappalli Central Prison, to see his ailing father, under Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982 forthwith in accordance with law.



2. The learned counsel for the petitioner would submit that the petitioner was convicted and sentenced to 7-years Rigorous imprisonment in CrI.A.374 of 2016 in pursuant to the conviction in S.C. No. 253 of 2012. The petitioner was also convicted in another case and sentenced to imprisonment for 7 -years. While being so, his father is suffering from various ailments due to his old age. Therefore, he was foretold that his father may be at end of his twilight and may pass away as a result of his sickness. Therefore, he wants to go and stay with his father and he applied emergency leave the same is pending for consideration.

3. The learned Additional Public Prosecutor submitted that the petitioner has involved in two murder cases in which he was sentenced for imprisonment for life. In the appeal, the sentence was modified to 7-years rigorous imprisonment and he is detained in increasing the imprisonment. He applied for 7-days leave and it is considered by the third respondent and granted leave for one day with police escorts.

4. It is seen from the records that the petitioner was sentenced and convicted in two crimes. Due to his father's ailments he has applied emergency leave for 7-days and the leave application was considered by the third respondent, granted one day leave on 25.09.2019 with police escorts. It is not availed by the petitioner, since his father was staying at Tanjavur and the petitioner is confined at Trichy. It is difficult for him to visit his father and returned to prison on or before 05.00 p.m. Therefore, he did not avail the said leave granted by the third respondent.

5. Considering the facts and circumstances, the third respondent is directed to grant 3-days emergency leave for the petitioner to visit his father at Thanjavur with police escorts on payment of necessary charges. In respect of escort charges, it may be considered on production of poverty certificate by the petitioner.

6. The writ petition stands disposed of with the above directions. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

ksa

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The Principal Secretary,
Home (Prison) Department,
Fort St. George,
Secretariat, Chennai - 600 009.

2. The Additional Director General of Police (Prisons),
The Inspector General of Prisons,
CMDA Tower - II, No.1, Gandhi Irwin Road,
Egmore, Chennai.

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

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

W.P. (MD) No. 20628 of 2019
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JMN(30.09.2019) 3P : 5C