



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:19.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.22569 of 2019

Pandi @ Soundarapandian

.. Petitioner

Vs.

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 of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

.. Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant the petitioner ordinary leave for a period of 30 days to meet and comfort his elder sister namely Selvi aged about 50 years who is struggling with serious health ailments of cardio and high blood pressure, residing at No.18, 15th Ward, Bangalow Street, Opposite to Thathupar Kovil, Neikkarapatti Post, Palani, Dindigul District.

For Petitioner : Mr.A.Jayaramachandran

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents to grant ordinary leave to the petitioner for a period of 30 days.

2. The learned counsel for the petitioner would submit that the petitioner was charged for the offence under Section 302 of IPC in S.C.No.89 of 1997 on the file of the learned Additional Sessions Judge, Dindigul. After completion of trial, the learned Trial Court convicted the petitioner and sentenced him to undergo life imprisonment vide order dated 04.08.1998. As against which, the petitioner filed an appeal before this Court in CrI.A.(MD)No.718 of



1998 and the same was dismissed on 04.11.2006. Further, he submitted that the petitioner is in custody from 04.08.1998. More than 20 years he is in custody. Hence, the petitioner sought for ordinary leave for the period of 30 days due to his sister's ill health.

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3. The learned Additional Public Prosecutor would submit that the report of the probation officer reveals that the petitioner's sister is a married woman and her husband also take care of his wife. Further, if the petitioner released on parole, he would faces life threat by the other accused persons or he would escaped from the custody. Hence, the probation officer did not recommend the parole application of the petitioner.

4. Considering the above facts and circumstances, the petitioner sought for relief on the ground that the petitioner's sister is bed ridden and she is suffering from cardiac decease. admittedly, the sister of the petitioner is a married women and her husband also take care of his wife. That apart, the petitioner released on parole, his life is under threaten by the other accused persons. Further, the report of the probation officer reveals that if the petitioner released on parole, he would escape from the custody.

5. Considering the above facts and circumstances, the prayer sought for by the petitioner cannot be considered. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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 of Prison,
Central Prison,
Palayamkottai, Tirunelveli District.

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