

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.745 of 2020

P.Pushpa, (F/A-65 years),
W/o. Rajendran,
17/6, West Street,
E.L.Palayam, Darasuram Post,
Kumbakonam Taluk,
Tanjore District,
Pin - 612 702.

.... Petitioner

Vs.

1.Principal Secretary,
Home Excise and Prohibition,
Secretariat, Chennai - 600 009.

2.The Inspector General of Prisons,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.The Superintendent of Prison,
Central Prison - 1, Puzhal,
Chennai - 600 066.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to consider the petitioner's representation dated 03.05.2020 for grant of parole to petitioner's son Sheshadri Rajendran Convict (CT-6803) for period of 8 weeks, presently confined in Central Prison, Puzal Chennai.

For Petitioner : Mr.G.Ravikumar

For Respondents: Mrs.M.Prabhavathi,
(Additional Public Prosecutor)

O R D E R

(Order of the court was made by N.KIRUBAKARAN,J.)

The matter is heard through "Video Conferencing".

2.The mother of the convict has filed this Habeas Corpus Petition after giving a representation dated 03.05.2020 seeking eight (8) weeks parole, for the purpose of taking treatment for her son. Since the said representation was not considered and therefore, the petitioner has come out with the present Habeas Corpus Petition.

3.However, during the last date hearing it has been submitted before this Court by the learned Additional Public Prosecutor that the representation was already considered and rejected on 15.06.2020 and the same was sent through ordinary post. But there is no proof for having intimated the same to the petitioner. The Prison Authorities should be careful enough to see that the rejection order are intimated only through RPAD. They cannot mechanically sent it through ordinary post. Moreover it is brought to the notice of this Court that communication to the Government officials are sent through registered post but the rejection orders are sent only by ordinary post to the relatives of the convicts/detenu. Therefore, it is made clear that hereafter the Jail Authorities should not sent the rejection order by ordinary post. The prisoners and relatives shall be communicated with any proceedings or orders or reply only through RPAD and the prisoners, relatives and friends shall be sensitized about the same through public notice including the prison notice board. If the authorities send the communications to the relatives of the detenu through RPAD there will be acknowledgment for having sent the communication.

4. A perusal of the order dated 15.06.2020 passed by the Prison Authorities would show that the petitioner's son was convicted under the Provisions of the Central Act, viz., Narcotics Act and therefore, there is no provision to release him on ordinary leave/parole. However, it is evident from the affidavit filed by the petitioner that her son was admitted in Stanley Medical College & Hospital for his treatment and he is suffering from many ailments and proper treatment is not given by the Prison Authorities. Moreover, the petitioner's son has not come out of jail, after the imprisonment. For the first time, an application has been filed seeking eight (8) weeks ordinary leave/parole. Considering the health condition of the petitioner's son and the fact that he has not filed any application for parole earlier, this Court is inclined to direct the Authorities to grant parole for a period of one month i.e., from 07.08.2020 to 07.09.2020.

5. Accordingly, the convict viz., Sheshadri Rajendran Convict (CT-6803), convict prisoner in Central Prison, Puzal Chennai, is granted parole for a period of one month from 07.08.2020 and he has to return back to Central Prison, Puzal

Chennai on 07.09.2020 at 05.00 P.M.

6.In view of the above direction, the rejection order dated 15.06.2020 produced before this Court is suo moto quashed.

For reporting compliance, call the matter on 08.09.2020.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

krk

To

- 1.Principal Secretary,
Home Excise and Prohibition,
Secretariat, Chennai - 600 009.
- 2.The Inspector General of Prisons,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 3.The Superintendent of Prison,
Central Prison - 1, Puzhal,
Chennai - 600 066.
- 4.The Public Prosecutor,
High Court,
Madras.

सत्यमेव जयते

H.C.P.No.745 of 2020

GP (CO)
GN (06/08/2020)

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