

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7973 of 2020

G.Sumitha
Wife of John @ Selvam,
No.51, Road Street,
Peruvalayam Village,
Nemili Taluk,
Ranipettai - 631 052.

... Petitioner

Vs.

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

2.The Executive Chairman,
Tamil Nadu State Legal Services Authority,
North Forth Road,
High Court Campus,
Chennai - 104.

3.The Director General of Prison,
Office of the Director General of Prison,
Whannels Road,
Egmore, Chennai - 600 008.

4.The Deputy Inspector General of Prison,
(Head Quarters) Office of the DIG (Hq) of Prison,
Whannels Road,
Egmore, Chennai - 600 008.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to grant Writ of Mandamus, directing the 3rd respondent to consider the representation of the petitioner dated 20.04.2020 and consequently to grant 30 days of ordinary leave (Parole) to the petitioner's husband Mr.John @ Selvam, Convict Prison No.4371 undergoing imprisonment at Puzhal Prison within the time limit stipulated by this Court.

For Petitioner : Mr.G.Rajesh.

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed for a direction to direct the 3rd respondent to consider the representation of the petitioner dated 20.04.2020 and consequently to grant 30 days of ordinary leave (Parole) to the petitioner's husband Mr. John @ Selvam, Convict Prison No.4371 undergoing imprisonment at Puzhal Prison within the time limit stipulated by this Court.

2. It is seen that the petitioner was convicted in C.C.No.174 of 2005 dated 10.08.2009 on the file of the learned Judicial Magistrate, Thiruthani for the offence under Sections 493, 323 and 506(ii) and sentenced him to undergo 3 ½ years imprisonment. Thereafter, he was confined into the Central Prison, Puzhal, Chennai. It is also seen that the husband of the petitioner could not prepared any appeal as against his conviction in C.C.No.174 of 2005. Now the husband of the petitioner is suffering from various ailments and he has to get treatment. Further, the petitioner did not even see him for the past 15 months and she has got two minor children. Therefore, the petitioner submitted the representation to the third respondent, who is being a member of committee to consider the Parole of the petitioner's husband.

3. The learned Additional Public Prosecutor would submit that the petitioner did not even implead the concerned Superintendent of Prison and no representation was submitted before the concerned Superintendent of Prison.

4. Considering the above facts and circumstances of this case, the petitioner is directed to submit a fresh representation to the Superintendent of Central Prison, Puzhal, Chennai within a period of two weeks from the date of receipt of a copy of this order. The petitioner is also permitted to send a representation through E-mail or Registered Post due to pandemic of Covid-19 and on receipt of the same, the Superintendent of Central Prison, Puzhal, Chennai is directed to consider the same and pass orders on merits in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

5. Accordingly the Writ Petition is disposed of.

s/d-

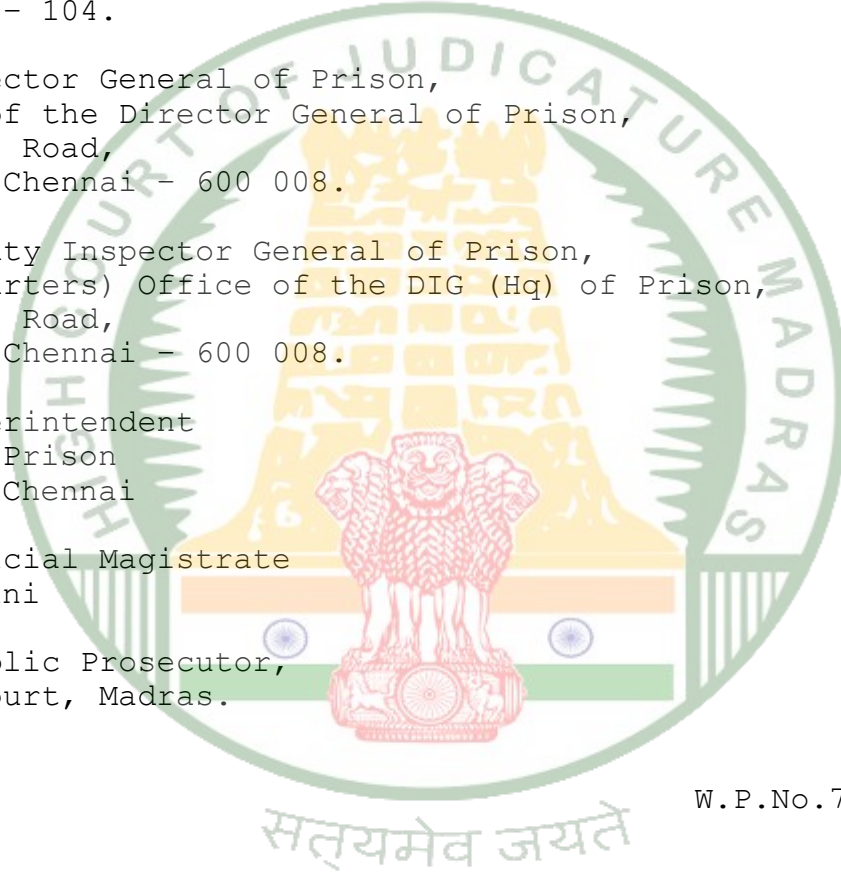
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

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To

- 1.The Principal Secretary to
Government, Home (Prison-IV) Department,
Fort St.George, Chennai - 600 009.
- 2.The Executive Chairman,
Tamil Nadu State Legal Services Authority,
North Forth Road,
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- 4.The Deputy Inspector General of Prison,
(Head Quarters) Office of the DIG (Hq) of Prison,
Whannels Road,
Egmore, Chennai - 600 008.
- 5.The Superintendent
Central Prison
Puzhal, Chennai
- 6.The Judicial Magistrate
Thiruthani
7. The Public Prosecutor,
High Court, Madras.



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LN(CO)
SP(29/07/2020)

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