

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

HCP.No.2020 OF 2020

Mariammal

.. Petitioner

Versus

1. The Inspector General of Prisons  
Union Territory of Puducherry  
Puducherry, Puducherry State.

2. The Chief Superintendent of Prison  
Puducherry Union Territory  
Puducherry.

3. The Superintendent of Central Prison  
Luzpet Central Prison  
Puducherry.

.. Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents herein to grant parole to the petitioner's son Viji Maran, son of Chinnapa @ Chinnapan, aged 25 years who is confined in the Luzpet Central Prison, Puducherry for a period of two weeks starting from the evening of 5th November to 20th November evening for attending the sixteenth day ceremony and other ceremony on the death of the dentenu Vijay Maran's father Chinnappa.

For Petitioner : Mr.T.Muruganantham

For RR 1 to 3 : Mr.D.Bharatha Chakravarthy  
Additional Public Prosecutor  
[Puducherry]

ORDER

[Order of the Court was made by M.SATHYANARAYANAN]

- (1) The petitioner is the mother of the detenu, viz., Viji Maran, who was convicted and sentenced to undergo five years rigorous imprisonment and other allied sentences for the commission of the offences punishable under the Protection of Children from Sexual Offences Act, 2012 [POCSO Act].
- (2) The learned counsel for the petitioner would submit that the father of the detenu, viz., Chinnappa @ Chinnappan, died on 20.10.2020 and for attending the funeral ceremony, the detenu was enlarged on parole and the 16th day ceremony is fixed today [04.11.2020] and in the light of the family custom, the presence of the detenu, who is the eldest son, is absolutely necessary. The petitioner, in this regard, has also submitted a representation dated 31.10.2020 to the respondents and praying for appropriate orders, the petitioner is constrained to approach this Court by filing the present Habeas Corpus Petition.
- (3) Mr. D. Bharathachakravathy, learned Additional Public Prosecutor [Puducherry] who accepts notice on behalf of the respondents would submit that in the light of the onset and thick spread of COVID-19 pandemic virus, extreme caution is being exercised to enlarge the detenus on parole and in the light of the facts and circumstances, this Court may pass appropriate orders and also direct the detenu and the family members to strictly adhere to the COVID-19 protocol.
- (4) This Court has considered the rival submissions and also perused the materials placed before it.
- (5) This Court, in the light of the above facts and circumstances, grants emergency parole to the detenu, viz., Viji Maran, son of Chinnappa @ Chinnappan, aged about 25 years, from 04.11.2020 [today] to 06.11.2020 and it is open to the respondents to provide sufficient escort to the detenu also. It is made clear that the detenu, petitioner and the family members strictly adhere to the COVID-19 protocol, failing which consequences as to the penal provisions under the Disaster Management Act, 2005, would follow. The respondents shall also adhere to the COVID-19 protocol that has been put in place while releasing the detenu on parole and admitting him in the prison. The detenu shall come back and appear before the 3rd respondent by 4.00 p.m. on 06.11.2020.

(6) The Habeas Corpus Petition stands disposed of accordingly.

(7) Call on 09.11.2020 for reporting compliance.

Sd/-  
Assistant Registrar(CO)

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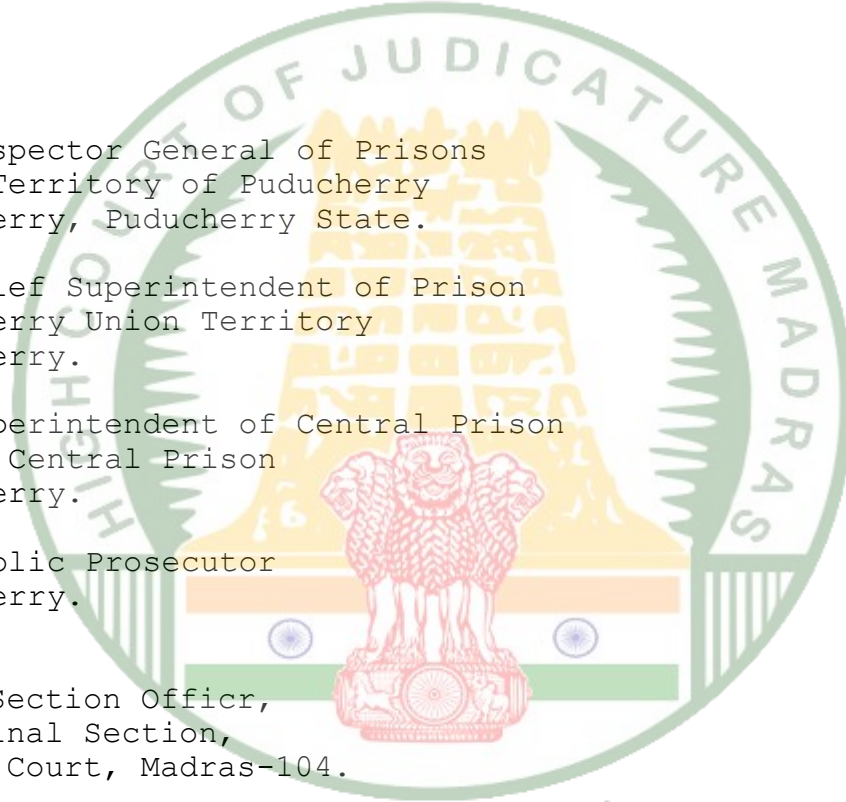
Sub Assistant Registrar

AP

To

1. The Inspector General of Prisons  
Union Territory of Puducherry  
Puducherry, Puducherry State.
2. The Chief Superintendent of Prison  
Puducherry Union Territory  
Puducherry.
3. The Superintendent of Central Prison  
Luzpet Central Prison  
Puducherry.
4. The Public Prosecutor  
Puducherry.

Copy To  
The Section Officer,  
Criminal Section,  
High Court, Madras-104.



सत्यमेव जयते

HCP.No.2020 of 2020

UM(CO)  
CS/10/11/2020

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