



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

W.P (MD)No.8815 of 2020

R.Sheela

... Petitioner

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Vs.

1.The District Collector-cum-District Magistrate,
Sivagangai District,
Sivagangai.

2.Executive Magistrate-cum-Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Superintendent of Prison,
Central Prison,
Madurai.

4.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's husband viz., Raja, S/o.Mani, aged 47 years, on temporary release for the period of one week, who confined at Madurai Central Prison to attend his mother Rukkumani's funeral function and rituals going to be performed on 03.08.2020.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

The petitioner is the wife of the detenu, namely, Raja, aged about 47 years, who has been detained under Section 122(1)(b) r/w. 117 of Cr.P.C., by the second respondent herein, vide the proceedings in M.C.No.02/2020/AA1, dated 05.06.2020, pursuant to the crime committed in connection with Crime No.91 of 2020 for the offence under Sections 294(b) and 506(ii) of I.P.C. and Section 67 of Information Technology Act, on the file of Karaikudi North Police Station.

2.The learned counsel appearing for the petitioner would submit that the petitioner/wife of the detenu submitted a representation dated 03.08.2020 to the respondents 1 and 3, seeking to grant temporary leave to her husband, for performing the funeral rites of his mother viz., Rukkumani, aged about 70 years, who died on 03.08.2020 at 08.30 a.m., at Karaikudi. He would further submit that though the respondents had received the said representation, they have not responded and therefore, filed the present writ



petition, seeking to grant temporary leave to her husband for a period of one week, to perform the funeral rites on account of his mother's demise.

3.Per contra, Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the respondents has confirmed that the mother of the detenu died on 03.08.2020, however, seriously opposed the prayer for the grant of temporary release/parole/leave of the petitioner's husband for a period of one week.

4.This Court, after taking into consideration the rival submissions and upon perusal of the materials available on record, is of the view that the husband of the petitioner/detenu, namely, Raja, son of Mani, concerned in M.C.No.02/2020/AA1, dated 05.06.2020, is to be granted temporary release/leave/parole to perform the final rites and other related ceremonies of his deceased mother, namely, Rukkumani.

5.In the result, this Writ Petition is ordered, with the following directions:-

(i) The respondents are directed to release the detenu, namely, Raja, son of Mani, who is detained as per the proceedings of the second respondent in M.C.No.02/2020/AA1, dated 05.06.2020, on temporary release/leave/parole, to perform the last rites to his mother, on condition that the said Raja, son of Mani, shall report back to the third respondent - the Superintendent, Central Prison, Madurai, on 07.08.2020 at 05.00 p.m.

(ii) Sufficient escort with vehicle shall be provided to accompany the said Raja, son of Mani, at free of cost.

(iii) During parole, the detenu shall abide all the conditions prescribed in the Jail Manual and he shall be brought back to the Prison on 07.08.2020 at 05.00 p.m.

(iv) The Superintendent, Central Prison, Madurai, is directed to file a compliance report before this Court on 12.08.2020.

(v) It is made very clear that the detenu under the guise of this temporary release/leave/parole shall not misuse the liberty.

(vi) Further, it is also made very clear that social distancing shall be maintained.

No costs.

Sd/-

Assistant Registrar (Records)

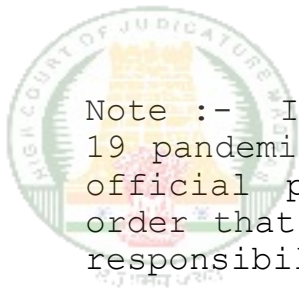
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Sub Assistant Registrar(CS)

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To

- 1.The District Collector-cum-District Magistrate,
Sivagangai District,
Sivagangai.
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Sivagangai District.
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- 4.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

- 1.The Registrar(Judicial),
Madurai Bench of Madras High Court, Madurai.
- 2.The Section Officer(Criminal Section),
Madurai Bench of Madras High Court, Madurai. (2 Copies)

+1 CC to M/s.R. VENKATESAN, Advocate (SR-13585[F] dated 04/08/2020)

W.P (MD)No.8815 of 2020
04.08.2020

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