

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2579 of 2021

M.Vikramadhithan

... Petitioner

Vs.

1. Union Territory of Puducherry,
Rep. By the Chief Secretary,
Secretariat,
Puducherry.
 2. The Inspector General of Prisons,
Government of Puducherry,
Office of IG Prisons, Puducherry.
 3. The Superintendent of Prison,
Central Prison, Kalapattu, Puducherry
- ... Respondents.

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the respondents to consider the petitioner's representation dated 07.01.2021 and release the petitioner's father Mr.KAruna alias Manoharan, son of subramani, Life convict prisoner, Central Prison, Kalapattu, Puducherry on ordinary leave for one month for the purpose of the petitioner's brother's marriage scheduled to be held on 08.02.2021 at Puducherry.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent :Mr.V.Balamurugane
Additional Public Prosecutor (Puducherry)

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representation made by the petitioner, wherein the petitioner has sought for grating leave to his father, who is a life convict in order to attend the marriage of his Nephew.

2. The father of the petitioner is a life convict. A representation was made on 07.01.2021 by the petitioner requesting for releasing his father, who is a life convict by granting him leave to attend the marriage of one Santhosh Kumar, who is the Nephew of the life convict. Since the representation was not considered, the present writ petition has been filed before this Court.

3. Mr.V.Balamurugane, learned Additional Public Prosecutor [Puducherry] appearing on behalf of the respondents submitted that the life convict has nearly 21 cases against him and one of those cases also involves jail breaking at Yanam. The learned counsel further submitted that there is also a potential life threat for the life convict and it will be risky for him to come out of the jail at this point of time.

4.The learned counsel for the petitioner factually disputed the number of cases claimed to be pending against the life convict. The learned counsel further submitted that the petitioner, who is the son of the life convict was taken care by the family of Santhosh Kumar and therefore, it becomes an obligation on the part of the life convict to attend the marriage of Santhosh Kumar. The learned counsel submitted that any conditions can be imposed by this Court and this Court can also fix the number of days of leave that should be granted to the life convict.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the 3rd respondent to grant leave to the life convict Karuna alias Manoharan to attend the marriage of his Nephew Santhosh kumar. The life convict shall be released from the jail on 07.02.2021 and he shall surrender before the 3rd respondent on 10.02.2021. Considering the antecedents of the life convict and the apprehension with regard to the life threat, it is left open to the 3rd respondent to impose any conditions and also provide for an escort.

6. This Criminal Original petition is disposed of with the above directions.

05.02.2021

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Index:Yes/No
Internet:Yes/No

Note : Issue order copy on 05.02.2021

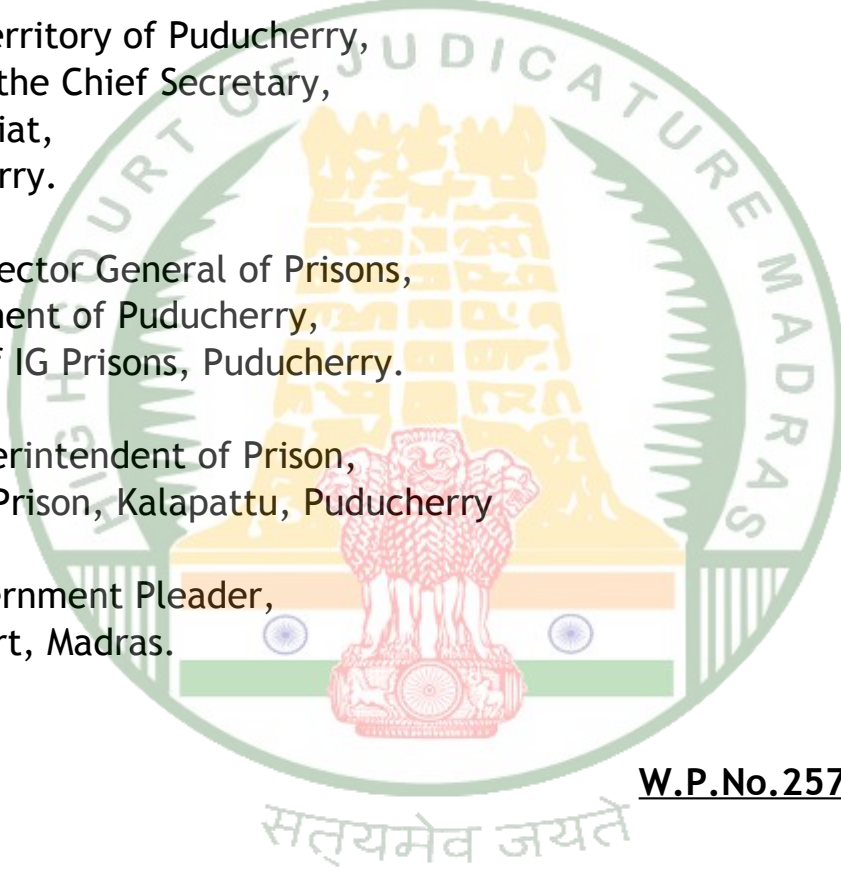
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N.ANAND VENKATESH, J.,

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To

1. Union Territory of Puducherry,
Rep. By the Chief Secretary,
Secretariat,
Puducherry.
2. The Inspector General of Prisons,
Government of Puducherry,
Office of IG Prisons, Puducherry.
3. The Superintendent of Prison,
Central Prison, Kalapattu, Puducherry
4. The Government Pleader,
High Court, Madras.



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