

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.04.2021
CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.8941 of 2021

P.Kabilan,
S/o.Pugelenthi

...Petitioner /
Son of the detainee

versus

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and
District Magistrate of Cuddalore District,
Cuddalore.
- 3.The Superintendent of Police,
Cuddalore District. Cuddalore - I.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore.
- 5.The Inspector of Police,
Chidambaram Taluk Police Station,
Chidambaram.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the 4th respondent to grant parole for 30 days to the detainee Pugazhendhi, male aged 59 years, S/o.Ramaiyan detained in C3/D.O./129/2020 dated 19.11.2020, who is detained at Central Prison, Cuddalore.

For Petitioner : Mr.M.Balaji

For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

This petition has been filed seeking a direction to the

fourth respondent to grant parole for 30 days to the petitioner's father viz. Pugazhendhi, who is detained at Central Prison, Cuddalore.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. It is seen that the detenu has been detained under Act 14 of 1982 and therefore, he cannot be granted parole under the Tamil Nadu Suspension of Sentence Rules, 1982. It is always open to the detenu to approach the Government under Section 15 of Act 14 of 1982. In the light of the law laid down in the Full Bench of this Court in State represented by the Home Secretary and 4 others vs. Yesu (2011 (5) CTC 353), parole cannot be granted outside the rules.

4. Hence, this Writ Petition stands closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sri

To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and
District Magistrate of Cuddalore District,
Cuddalore.
- 3.The Superintendent of Police,
Cuddalore District. Cuddalore - I.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore.
- 5.The Inspector of Police,
Chidambaram Taluk Police Station,
Chidambaram.

6.The Public Prosecutor,
High Court, Madras.

WP.No.8941/2021

AKII (CO)
baf 11/05/2021



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