

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2021

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE Mr. JUSTICE C.SARAVANAN

W.P. No.12168 of 2021

Mrs.Shenbagavalli, Female
Aged about 51 years,
W/o.Late Mr.Devaraj(Late)
No.13, Kalliathamman Koil Street,
Thakkolam,
Arakonam Taluk,
Ranipet District 631 151.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep.by its Principal Home Secretary to the Government,
Home Department (Prison),
Fort St.George,
Chennai 600 009.
- 2.The Inspector General of Prison,
Tamil Nadu Jail,
No.1, Gandhi Irwin Road,
Egmore, Chennai.
- 3.The Superintendent of Central Prison,
Vellore Central Prison,
Periyar Nagar, Ramset Nagar,
Thorapadi, Vellore,
Tamil Nadu 632002.
- 4.The Superintendent of Police,
Ranipet District,
Ranipet,
Tamil Nadu 632 401.
- 5.The Inspector of Police,
SH-50B, Thakkolam Police Station,
Ranipet.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to enlarge the convict/accused namely Suresh, S/o.Devaraj (life Convict No: 3897), who is confined in the Central Prison, Vellore and set him at liberty on parole for a period of 6 weeks.

For Petitioner : Mr.Aravind Athithan
for Mr.V.Purushothaman

For Respondents: Mr.Muniyappa Raj
Additional Public Prosecutor

ORDER

(Order of the Court was made by Dr.G.JAYACHANDRAN, J.)

This petition is filed by the mother of the life convict, who is now confined in Central Prison, Vellore. The relief sought in this petition is, to grant leave to the life convict viz. Suresh, S/o. Devaraj, to attend the funeral of his father, who passed away on 26.05.2021.

2. The learned Additional Public Prosecutor submits that as per the Tamil Nadu Prison Manual, leave cannot be granted, unless and until, the detenu has suffered incarceration for a period of three years and above.

3. However, taking note of the extraordinary circumstances in which the petitioner seeking leave, this Court is of the view that the petitioner herein shall give a representation to the prison authority seeking leave with all the relevant documents, such as, death certificate and aadhaar card, to enable the prison authorities to consider the representation and if they are convinced, three days leave shall be granted to the life convict to attend the last rites of his father. The said leave shall be subject to the condition that the life convict when he is on leave, shall report to the Thakkolam Police Station for three days and he may be sent out of prison with escort. The detenu shall report back to the prison authorities on Monday i.e., on 31.05.2021 evening by 5' o clock.

4. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar
(Vacation Officer)

//True Copy//

Sub Assistant Registrar

gya/kp

To

- 1.The Principal Secretary to the Government,
Home Department (Prison),
Fort St.George,
Chennai 600 009.
- 2.The Inspector General of Prison,
Tamil Nadu Jail,
No.1, Gandhi Irwin Road,
Egmore, Chennai.
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Ranipet District,
Ranipet,
Tamil Nadu 632 401.
- 5.The Inspector of Police,
SH-50B, Thakkolam Police Station,
Ranipet.
- 6.The Public Prosecutor,
High Court, Madras-104.

W.P. No.12168 of 2021

SPD(CO)
CB(27/05/2021)

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