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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.12.2021

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THE HONOURABLE Mr. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

W.P.No.25683 of 2021

S.Ganga

.. Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Principal Secretary to
Home Department of Prisons
Fort St. George, Secretariat
Chennai - 9

2.The Addl. Director General of Police (Prisons)

No.1, Gandhi Irwin Road
Egmore, Chennai - 8

3.The Superintendent of Prisons

Vellore Central Jail
Thorapadi, Vellore 632 002

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records of the 3rd respondent pertaining to the order dated 16.11.2021 made in No.13718/Tha.Ku.3/2021 rejecting petitioner's representation dated 12.11.2021, quash the same as illegal and against law and consequently direct the 3rd respondent to grant parole leave for a period of 11 days from 01.12.2021 to 11.12.2021 to the petitioner's husband P.Selvam, who is a life convict confined at Central Jail, Vellore for assisting and attending his son's marriage.

For Petitioner : Mr.T.Dhanasekaran

For Respondents : Mr.R.Muniyapparaj

Govt. Advocate (Crl.Side)

O R D E R

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

This petition has been filed to call for the records of the 3rd respondent pertaining to the order dated 16.11.2021 made in No.13718/Tha.Ku.3/2021 rejecting petitioner's representation



dated 12.11.2021 and quash the same and consequently direct the 3rd respondent to grant parole for a period of 11 days from 01.12.2021 to 11.12.2021 to the petitioner's husband viz., P.Selvam, who is a life convict, confined at the Central Prison, Vellore, for assisting and attending his son's marriage.

2. On 06.12.2021, we passed the following order :

"The petitioner's husband Selvam s/o.Dhanakodi is a life convict (CT No.03) and is presently lodged in Central Prison, Vellore. In connection with the marriage of the life convict's son, which is fixed on 09.12.2021, the petitioner gave an application for ordinary leave to the prison authorities and the same has been rejected by the Superintendent of Central Prison, Vellore, by the impugned order dated 16.11.2021 on the ground that earlier Selvam (life convict) was granted 10 days ordinary leave on 03.06.1988 and that he was required to return back to the prison on 14.06.1988. However, the life convict absconded and was apprehended only on 21.09.1990 and was brought to the prison on 22.09.1990. Thereafter, he was given 30 days leave on 02.05.1992 and again, he absconded and remained in hiding for 24 years. He was apprehended and was brought to the prison only on 22.03.2017. Therefore, the authorities rejected his leave application. Challenging the same, the present Writ Petition has been filed.

2. Heard Mr.T.Dhanasekaran, learned counsel appearing for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the State.

3. We find no infirmity in the order dated 16.11.2021 warranting interference inasmuch as, the life convict was granted leave twice and both times, he absconded. In fact, when he was granted leave for the second time in the year 1992, he went into hiding and was secured only 24 years later.

4.Learned counsel for the petitioner submitted that this Court may direct the jail authorities to permit the detenu to participate in his son's marriage on 09.12.2021.

5.Taking into consideration the said submission, we, on humanitarian ground, direct the Superintendent of Central Prison, Vellore, to permit Selvam s/o.Dhanakodi, life convict (CT No.03), with



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proper escort, to attend his son's marriage on 09.12.2021 between 09.00 a.m. and 10.30 a.m. (muhurtham) at Sri Semporjothinathar Thirukovil, Kallakurichi and thereafter, bring the life convict to the prison. The petitioner shall pay the necessary escort charges.

Post the matter 'for reporting compliance' on 13.12.2021."

3. Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the prison authorities took the convict prisoner viz., P.Selvam for the marriage of his son on 09.12.2021 on payment of escort charges and brought him back to the prison.

Recording the submission of the learned Additional Public Prosecutor, this writ petition stands closed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Gya

To

1.The Principal Secretary to
Home Department of Prisons
Fort St. George, Secretariat
Chennai - 9

2.The Addl. Director General of Police (Prisons)
No.1, Gandhi Irwin Road
Egmore, Chennai - 8

3.The Superintendent of Prisons
Vellore Central Jail
Thorapadi, Vellore 632 002

4.The Public Prosecutor
Madras High Court

W.P.No.25683 of 2021

KA(CO)
GN(23/12/2021)