



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.26438 of 2021

S.Parvathi
W/o.Sellamuthu

..Petitioner

Vs.

1. The Deputy Superintendent of Police,
Central Bureau of Investigation,
Special Crime Branch,
Chennai.
RC.3(S)/2004/CBI/SCB/Chennai)
Viruthachalam PS Cr.No.356/2003
2. The Deputy Inspector General of Prison,
Vellore - 2.
3. The Superintendent of Prison,
Central Prison,
Vellore, Vellore District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to permit the petitioner's husband, namely, M.Sellamuthu s/o.Muniappagounder (Convict Prisoner No.16999), confined in the third respondent prison to participate in the 16th day ritual service of his deceased elder brother, namely, Palanisamy, for 5 days from 15.12.2021 to 19.12.2021.

For Petitioner : Mr.V.Elangovan

For Respondents: Mr.K.Srinivasan,
Special Public Prosecutor for CBI [R1]
Mr.R.Muniyapparaj
Additional Public Prosecutor [R2 & R3]

O R D E R

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

In this writ petition, the petitioner seeks issuance of a writ of mandamus directing the jail authorities to grant



emergency leave to the convict prisoner M.Sellamuthu s/o.Muniappagounder (CT No.16999) for the purpose of attending the 16th day rituals of his brother.

2. When the matter was taken up for hearing, learned Additional Public Prosecutor submitted that the request of the petitioner has been rejected by prison authorities by order dated 09.12.2021. That apart, the convict prisoner has been sentenced to life imprisonment by the trial Court and his appeal in C.A.No.483 of 2021 is pending. Therefore, during the pendency of the appeal, no leave can be granted by the jail authorities.

3. In the aforesaid circumstance, a writ of mandamus, as prayed for by the petitioner, cannot be granted.

Accordingly, the Writ Petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Deputy Superintendent of Police,
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Special Crime Branch,
Chennai.
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Vellore - 2.
3. The Superintendent of Prison,
Central Prison,Vellore, Vellore District.
4. The Special Public Prosecutor for CBI.
5. The Public Prosecutor,
High Court, Madras.

Writ Petition No.26438 of 2021

SMI (CO)
RGA(29/12/2021)