



WEB COPY

W.P(MD)No.5380 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVA

W.P(MD)No.5380 of 2021

Guruvammal

:Petitioner

.vs.

1.The State represented by
The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Sankarankovil,
Tenkasi District.
(Karivalamvanthanallur Police Station)
Crime No.115/2007

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to grant parole for a period of 10 days to the petitioner's son by name S.Kannan @ Seenivasan (life convict) confined at Central Prison, Palayamkottai without police escort for the purpose of arranging medical treatment to the petitioner by considering the petitioner's representation, dated 25.02.2021.

For Petitioner :Mr.V.Kathirvelu,
Senior Counsel
for Mr.K.Prabhu

For Respondents :Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

[Order of the Court was made by **K.KALYANASUNDARAM.,J.**]

By consent of both parties, this writ petition is taken up for final disposal.

2.The petitioner has come forward with this writ petition for issuance of writ of mandamus directing the first respondent to grant parole for a period of 10 days to her son, namely, S.Kannan @ Seenivasan, Life Convict, confined at Central Prison, Palayamkottai, by considering her representation, dated 25.02.2021.



3. The petitioner would state that her son S.Kannan @ Seenivasan was an accused in S.C.No.411 of 2008 on the file of the Sessions Court, Mahila Court, Tirunelveli and he was found guilty for the charges punishable under Sections 498(A) and 302 of IPC. He was sentenced to undergo two years Rigorous Imprisonment for an offence under Section 498(A) of IPC and Life Imprisonment for the charge of murder. The appeal preferred against the judgment and order was confirmed by this Court in C.A(MD)No.237 of 2011 vide judgment, dated 29.09.2015. She would further state that her son was unsuccessful before the Hon'ble Supreme Court, so he is in judicial custody from 22.04.2018. The petitioner would further state that she suffered severe heart pain on 11.02.2021 and she was diagnosed with critical stage of congestive cardiac failure.

4. It is further stated that her husband passed away and her younger son is physically challenged and her daughter-in-law also deaf, so, she needs the help of her son Kannan @ Seenivasan. Hence, she made a representation to the first respondent on 25.02.2021, but it was not considered favourably and hence, she has come up with this writ petition.

5. Heard Mr.V.Kathirvelu, learned Senior Counsel appearing for the petitioner and Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the State and perused the materials available on record.

6. This writ petition has been filed seeking parole for the petitioner's son, who has been convicted by the learned Sessions Court, Mahila Judge in S.C.No.411 of 2008. The learned Senior Counsel appearing for the petitioner would state that the convict was in judicial custody from 22.04.2018 and hence, he is entitled for ordinary as well as emergency leave and hence, a representation was given. It is further stated that, it would suffice, if a direction is issued to the respondents to consider the representation of the petitioner.

7. The learned Additional Public Prosecutor appearing for the respondents would state that the convict is not entitled for 10 days leave at a stretch and hence, if fresh representation is given, the first respondent is ready to consider the same.

8. In the light of the submissions made by the learned counsels, without going into the merits of the matter, we hereby direct the petitioner to give a fresh representation to the first respondent by enclosing a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the representation, the first respondent shall consider the same and pass orders, purely on merits and in accordance with law, within a period of four weeks there from.



9. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Sankarankovil,
Tenkasi District.
(Karivalam vanthanallur Police Station)

+1 CC to M/s.K.PRABHU, Advocate (SR-10623[F] dated 12/03/2021)

W.P (MD) No.5380 of 2021
11.03.2021

NA (CO)

KB (26.03.2021) 3P 4C