



WEB COPY

W.P(MD)No.5495 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

W.P(MD)No.5495 of 2021

C.Perumal

: Petitioner

.vs.

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

2.The Inspector of Police,
All Women Police Station,
Tirunelveli City,
Tirunelveli District.
Cr.NO.34 of 2005.

: 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 brother-in-law by name Balachandar (CT-1253) confined at Central Prison, Palayamkottai without police escort for the purpose of arranging medical treatment to his wife by name Muppudathi by considering the petitioner's representation, dated 26.02.2021.

For Petitioner

: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 his brother-in-law, namely, Balachandar (CT-1253) confined at Central Prison, Palayamkottai without police escort, based on his representation, dated

26.02.2021.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The petitioner claims to be the brother-in-law of the convict, namely, Balachandar. He would state that the said Balachandar was convicted by the Sessions Court Mahalir Neethimandram, Tirunelveli in S.C.No.32 of 2007 for the offences punishable under Sections 376(g) and 506(ii) of IPC. He was sentenced to undergo 10 years Rigorous Imprisonment and 7 years Rigorous Imprisonment, respectively. The appeal preferred against the conviction and sentence was disposed of with some modification by this Court on 25.10.2019. Hence, he has been undergoing sentence at Central Prison, Palayamkottai since 21.02.2020.

4.Mr.K.Prabhu, learned counsel appearing for the petitioner would state that convict's wife Muppudathi is having serious illness and her health condition is deterioration every day and she wants to meet her husband, hence, the petitioner made a representation to the respondents on 26.02.2021 to grant leave for the convict. Since no action was taken, the present writ petition has been filed. He would further state that, it would suffice, if a direction is issued to the respondents to consider the representation of the petitioner.

5. Per contra, the learned Additional Public Prosecutor appearing for the respondents would argue that no convict is entitled for parole for a period of 10 days at a stretch and hence, if fresh representation is given, the first respondent is ready to consider the same.

6. 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. On receipt of the same, the first respondent shall consider and pass orders, purely on merits and in accordance with law, within a period of four weeks there from.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

am

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



To

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

2.The Inspector of Police,
All Women Police Station,
Tirunelveli City,
Tirunelveli District.

+1 CC to M/s.K.PRABHU, Advocate (SR-11045[F] dated 15/03/2021)

W. P (MD) No. 5495 of 2021
12.03.2021

tp(CO)
KK(18.03.2021) 3P 4C