



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

W.P (MD)No.9906 of 2021

S.Muthuraman

... Petitioner

vs.

1.The Government of Tamil Nadu
represented by its Secretary to Government,
Home (Prison IV) Department,
Fort St. George,
Chennai -9.

2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor,
Gandhi Irwin Road,
Egmore,
Chennai -8.

3.The Superintendent of Central Prison,
Trichy.

4.The Inspector of Police,
Nagudi Police Station,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant leave without escort for 30 days to petitioner's father namely Saravanan, Convict Prisoner No.23309, detained at Central Prison, Trichy.

For Petitioner

: Mr.P.M.Vishnuvarthanan

For Respondents

: Mr.S.Ravi

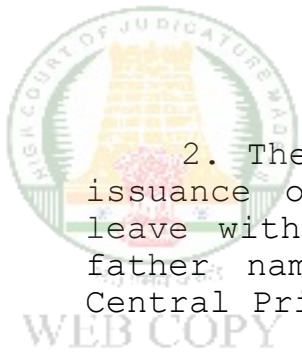
Standing counsel

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



2. The petitioner has come forward with this writ petition for issuance of writ of mandamus directing the respondents to grant leave without escort for a period of 30 days to the petitioner's father, namely Saravanan, Convict Prisoner No.23309, detained at Central Prison, Trichy.

3. The petitioner claims to be the son of the convict, namely Saravanan. He would state that the said Saravanan was convicted by the Fast Track Mahila Sessions Court, Erode in Spl.S.C.No.27 of 2015 for the offences punishable under Section 366 of I.P.C., and Section 6 of POSCO Act. He was sentenced to undergo life imprisonment. The appeal preferred against the conviction and sentence was partly allowed by this Court on 12.12.2016 and the punishment was modified to 10 years imprisonment. Hence, he has been undergoing sentence at Central Prison, Trichy since 20.12.2014.

4. Mr.P.M.Vishnuvarthanan, learned counsel appearing for the petitioner would state that the petitioner's father is suffering from piles complaint and also suffering from Acute Immune Deficiency Syndrome (AIDS) and he needs proper medical treatment. Hence, the petitioner made a representation to the respondents on 18.05.2021, 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 third respondent to consider the representation of the petitioner.

5. Per contra, Mr.S.Ravi, learned Standing counsel appearing for the respondents would argue that no convict is entitled for parole for a period of 10 days at a stretch and hence, the third respondent is ready to consider the representation of the petitioner, dated 18.05.2021, for granting six days parole.

6. In the light of the submissions made by the learned counsels, without going into the merits of the matter, we hereby direct the third respondent to pass orders, on the representation of the petitioner, dated 18.05.2021, purely on merits and in accordance with law, within a period of fifteen days from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

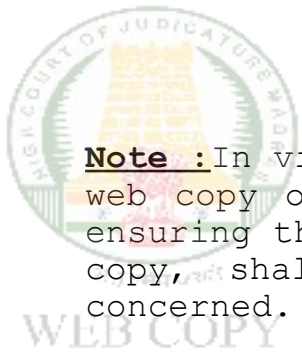
Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /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 Secretary to Government,
Government of Tamil Nadu,
Home (Prison IV) Department,
Fort St. George,
Chennai -9.

2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
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Chennai -8.

3.The Superintendent of Central Prison,
Trichy.

4.The Inspector of Police,
Nagudi Police Station,
Pudukottai District.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-19101[F] dated
09/06/2021)

ORDER MADE IN
W.P (MD)No.9906 of 2021
DATED
09.06.2021

AS (11.06.2021) 3P 6C