



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.07.2021

CORAM:

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**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)NO.10229 of 2021

Kani

:Petitioner

.vs.

1.The Principal Secretary to Government of Tamil Nadu,
Home (Prison-IV) Department,
Fort St.George,
Chennai - 600 009.

2.The Additional Director General of Police/
Inspector General of Prisons,
No.1, Gandhi Irwin Salai,
Egmore, Chennai - 600 008.

3.The Deputy Inspector General of Prisons,
Madurai Range,
Central Prison Campus,
Madurai.

4.The Superintendent of Prisons,
Central Prison,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the fourth respondent vide his proceedings No.7607/Tha.Ku.2/2021, dated 25.5.2021 and to quash the same as illegal and consequently to direct the respondents 3 and 4 to grant leave(Parole) to the Petitioner's son namely, Prasath, Convicted Prisoner No.687, now confined at Central Prison, Madurai under Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982 within the time stipulated by this Court.

For Petitioner :Mr.J.Lawrance

For Respondents :Mr.S.Ravi

Standing Counsel for the State



O R D E R

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

This Writ Petition has been filed to quash the order of the fourth respondent, dated 25.5.2021 and consequently to direct the respondents 3 and 4 to grant parole to the Petitioner's son Prasath, Convicted Prisoner No.687, now confined at Central Prison, Madurai under Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.Mr.J.Lawrance, learned counsel appearing for the Petitioner would submit that the Petitioner's son was falsely implicated in a Sessions Case in S.C.No.98 of 2016, on the file of the Additional District and Sessions Judge, Theni and he was acquitted by the trial Court on 22.8.2017.However, the order of acquittal was reversed by this Court in CrI.A(MD)Nos.48 and 367 of 2018 vide judgment, dated 12.2.2020 and thereafter, the convict surrendered and he was sent to jail.

4.It is the submission of the learned counsel for the Petitioner that the convict's father is suffering from serious illness and the convict is also mentally depressed after the order of conviction and hence, a representation was given by the Petitioner and it was rejected by the fourth respondent, citing Rule 22(1) of the Tamil Nadu Suspension of Sentence Rules, 1982. It is the submission of the learned counsel for the petitioner that for considering the emergency leave under rule 6, the convict need not undergo the sentence of three years. He further added that since there was no clarity in the representation for considering his case under emergency leave, the Petitioner is ready to give a fresh representation and a direction may be issued to the Fourth Respondent to consider the case of the Petitioner.

5.The learned Standing Counsel for the State appearing for the respondents justified the order of the fourth respondent and stated that if any fresh representation is made, it would be considered in accordance with law.

6.Though the Petitioner has prayed for a larger relief, in view of the submission made by the learned counsel for the Petitioner, this Writ Petition is disposed of, directing the Petitioner to give a fresh representation by enclosing a copy of this Order. On such receipt, the fourth respondent shall consider the same and pass orders purely on merits and in accordance with law within a period of four weeks therefrom.



7. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar (CS)

vsn

To

1. The Principal Secretary to Government of Tamil Nadu,
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2. The Additional Director General of Police/
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3. The Deputy Inspector General of Prisons,
Madurai Range,
Central Prison Campus,
Madurai.

4. The Superintendent of Prisons,
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Madurai.

+1 CC to M/s. J. LAWRENCE, Advocate (SR-22416[F] dated 14/07/2021)

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CM(CO)

KB(05.08.2021) 3P 6C