



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.06.2021**

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.10095 of 2021

WEB COPY

Vijaya

... Petitioner

vs.

The Superintendent of Prison,
Central Prison,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to release the petitioner's husband viz., Ganesan @ Auto Ganesan, S/o. Veerana Thevar (Life Convict Number: CT No.5673) now confined in Central Prison, Madurai on parole for a period of six days, without escort, by considering the petitioner's representation, dated 09.06.2021.

For Petitioner
For Respondent

: Mr.A.Mohamed Hashim
: Mr.S.Ravi
Standing counsel
for the state

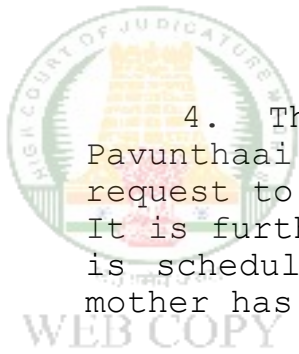
O R D E R

[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. This writ petition has been filed for issuance of Writ of Mandamus, directing the respondent to release the petitioner's husband viz., Ganesan @ Auto Ganesan, S/o. Veerana Thevar (Life Convict Number: CT No.5673), now confined in Central Prison, Madurai, on parole for a period of six days, without escort, by considering her representation, dated 09.06.2021.

3. The petitioner would claim that she is the wife of Ganesan @ Auto Ganesan (Life Convict Number: CT No.5673) and her husband was implicated as 4th accused in Sessions Case No.399 of 2014 and he was convicted for various offences including Sections 364(A) and 395 of I.P.C., by the learned IV Additional District and Sessions Judge, Madurai and sentenced to suffer life imprisonment. In appeal, this Court confirmed the conviction and sentence in CrI.A.No.391 of 2017, vide judgment dated 11.11.2019. The same was confirmed by the Hon'ble Apex Court in S.L.P.(CrI.)No.4895 of 2020.



4. The grievance of the petitioner is that her mother Pavunthaai died on 05.06.2021, at the age of 62 years and her request to the respondent to release her husband was not considered. It is further stated that the 16th day funeral ceremony of her mother is scheduled on 21.06.2021 and he being the blood brother of her mother has to attend the 16th day ceremony.

5. Mr.A.Mohamed Hashim, learned counsel appearing for the petitioner would state that though the petitioner sought for a leave of six days, he can be granted parole for attending the 16th day ceremony on 21.06.2021.

6. Mr.S.Ravi, learned Standing counsel appearing for the State would submit that the request of the petitioner was rejected by the respondent and the same was communicated to the petitioner. The Tamil Nadu Suspension of Sentence Rules, 1982, does not permit the convict to attend his sister's 16th day ceremony.

7. In the instant case, it is not in dispute that the life convict viz., Ganesan @ Auto Ganesan is the blood brother of the deceased Pavunthaai, who is the mother of the petitioner. The Village Administrative Officer No.II, Avanyapuram Village has also given a certificate stating that the petitioner's mother died on 05.06.2021. Though the Tamil Nadu Suspension of Sentence Rules, 1982, does not entitle the life convict to attend the 16th day ceremony of his sister, however, considering the facts and circumstances of the case, this Court is inclined to grant one day emergency leave. It is appropriate to note that in similar facts, this Court permitted the life convicts to attend some important rituals.

8. In that view, the respondent is hereby directed to permit the life convict viz., Ganesan @ Auto Ganesan, who is now confined at Central Prison, Madurai, to attend the 16th day funeral ceremony of his sister on 21.06.2021, with escort. The life convict shall be released from the Central Prison, Madurai at 6.00 a.m., on 21.06.2021 and he shall surrender before the respondent at 6.00 p.m., on the same day. The petitioner shall bear the expenses for providing escort to the convict.

9. Accordingly, this Writ Petition is disposed of. No costs.

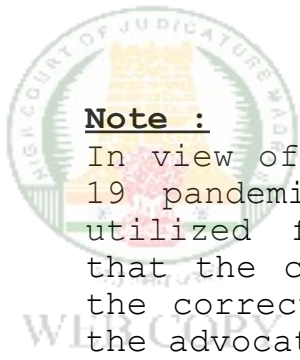
Sd/-

Assistant Registrar (AS)

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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

The Superintendent of Prison,
Central Prison,
Madurai.

W.P (MD) No.10095 of 2021
15.06.2021

KB(18.06.2021) 3P 2C