



WEB COPY

W.P(MD)No.19792 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.19792 of 2020

and

W.M.P(MD)No.16481 of 2020

Chandralekha Sharma

:Petitioner

.vs.

1.The Government of Tamil Nadu,
Rep. by its Home Secretary,
Home Department,
Secretariat,
Fort St. George,
Chennai-600 009.

2.The Inspector General of Prison,
Department of Prisons,
Whannels Road,
Egmore,
Chennai-600 008.

3.The Deputy Inspector General of Prison,
Department of Prisons,
Madurai Range,
Madurai-600 016.

4.The Superintendent of Central Prisons,
Madurai Range,
Madurai-600 016.

: 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 release the petitioner's husband Mahesh Chandra Sharma, son of Late.Shri.Shankar Lal, aged 80 years, now confined in Central Prison, Madurai-16 on Parole for a period of 6 months from the Central Prison, Madurai-16.

For Petitioner
For Respondents

:Mr.M.Abdul Nazeer
:Mr.R.Anandharaj
Additional Public Prosecutor



O R D E R

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

The prayer in the writ petition is for issuance of writ of mandamus directing the respondents to release the petitioner's husband Mahesh Chandra Sharma, son of Late.Shri.Shankar Lal, aged 80 years, on Parole for a period of 6 months from the Central Prison, Madurai-16.

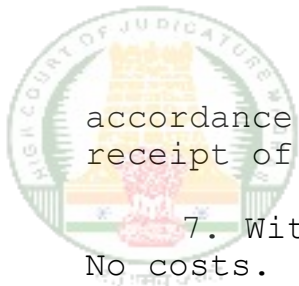
2. Heard Mr.M.Abdul Nazeer, learned counsel appearing for the petitioner and Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

3. It appears that the petitioner's husband was convicted in a criminal case in C.C.No.29 of 1996 by the learned Principal Special Judge for CBI Cases, Madurai for the charges punishable under Sections 13(1)(e) r/w Section 13(2) of the Prevention of Corruption Act 1988 and was sentenced to suffer three years imprisonment with a fine of Rs.5,00,000/- (Rupees Five Lakhs only) with default clause. As against the conviction and sentence, he filed an appeal before this Court in Crl.A(MD)No.456 of 2006 and this Court dismissed the appeal confirming the findings of the trial Court. The matter was taken up to the Hon'ble Apex Court, which was also dismissed on 04.06.2018.

4. The learned counsel appearing for the petitioner would argue that the representations sent on behalf of the convict have been kept pending and it would suffice, if a direction is issued to the first respondent to consider the representations of the petitioner. He further added that the convict is suffering from age old diseases, namely, Chronic heart ailment, Knee Joint Arthritis etc., and the health condition can be taken into account, while considering his representations.

5. The learned Additional Public Prosecutor appearing for the respondents, on instructions, would state that the fourth respondent having found that the convict is not entitled for the relief sought for in the representations, sent a communication to the Additional Director General of Prisons vide communication, dated 25.08.2020 and the matter is now pending with the first respondent and the first respondent is ready to pass orders on the representations of the petitioner in accordance with law.

6. In the light of the above submissions of the learned counsels on either side and also considering the nature of prayer sought for in this writ petition, this Court, without going into the merits of the case, directs the first respondent to consider the representations of the petitioner, dated 07.07.2020, 10.07.2020, 17.07.2020 and 26.08.2020 and pass orders purely on merits and in



accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Home Secretary,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Inspector General of Prison,
Department of Prisons,
Whannels Road,
Egmore, Chennai-600 008.
- 3.The Deputy Inspector General of Prison,
Department of Prisons,
Madurai Range,
Madurai-600 016.
- 4.The Superintendent of Central Prisons,
Madurai Range,
Madurai-600 016.
5. The Additional Public prosecutor,
Madurai Bench of Madras High Court,
Madurai

W.P (MD) No.19792 of 2020
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SVN (CO)

KB(02.02.2021) 3P 6C