



WEB COPY

W.P.(MD)No.18838 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD)No.18838 of 2021

and W.M.P. (MD)No.15655 of 2021

P.Thiru Karthikeyan

... Petitioner

-vs-

1.The State,

Rep. by its Home Secretary,
Home Prison Department,
Secretariat,
St. George Fort,
Chennai - 9.

2.The Additional Director General of Prison,
O/o. Additional Director General of Prison,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 8.

3.The Superintendent of Prisons,
Central Prison,
Madurai,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in No.14091/Tha Ku 2/2021, dated 21.09.2021, passed by the third respondent, quash the same as illegal and consequently, direct the respondents to grant leave for 30 days (Parole) to the petitioner's father namely, Pandi, S/o.Marimuthu, confined at Central Prison, Madurai, as life convict in C.P.No.5990, without expenses of Escorts.

For Petitioner
For Respondents

: Mr.S.Vikram
: Mr.S.Ravi
Additional Public Prosecutor

O R D E R

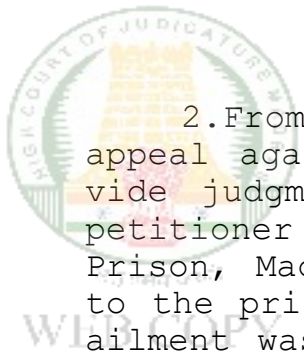
S.VAIDYANATHAN, J.

and

G.JAYACHANDRAN, J.

This Writ Petition is filed by the son of the life convict seeking to grant leave for a period of 30 days (Parole), since his request to the third respondent was rejected vide impugned order dated 21.09.2021.

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



2.From the pleadings and records this Court finds that the appeal against the order of acquittal was allowed by this Court, vide judgment dated 28.02.2020 and therefore, the father of the petitioner viz., Pandi, S/o.Marimuthu was confined at Central Prison, Madurai, as a life convict in C.P.No.5990. A request made to the prison authorities to grant Parole on the ground of medical ailment was rejected by them on the ground that Rule 22(1) of the Tamil Nadu Suspension of Sentence Rules, 1982 does not provide for ordinary leave to a convict before completion of three years of imprisonment, whereas, the life convict in this case is in prison only for the past 20 months. Therefore, this Court finds no illegality in rejecting the representation seeking to grant leave for 30 days (Parole). Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. However, the dismissal of this Writ Petition will not preclude the convict from seeking emergency leave on medical ailment. If such request is made, the same has to be considered by the authorities concerned on merits and appropriate orders shall be passed in accordance with law.

Sd/-

Assistant Registrar (CS-III)

// 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 Home Secretary,
Home Prison Department,
Secretariat,
St. George Fort,
Chennai - 9.
- 2.The Additional Director General of Prison,
O/o. Additional Director General of Prison,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 8.



3.The Superintendent of Prisons,
Central Prison,
Madurai,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No.18838 of 2021
08.11.2021

SS (CO)
KB (23.11.2021) 3P 5C