



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty First day of October Two Thousand and Twenty
One
PRESENT

WEB COPY

The Hon`ble Mr.Justice V.BHARATHIDASAN
and
The Hon`ble Mrs.Justice S.ANANTHI

CRL.M.P (MD) Nos.8661 and 8662 of 2021
in
HCP (MD) Nos.1174 and 1173 of 2021

K.ISAKKITHAI

... PETITIONER/ PETITIONER
IN BOTH THE PETITIONS

Vs

THE STATE REP.BY,

1 THE ADDITIONAL CHEIF SECRETARY TO GOVERNMENT,
HOME PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, CHENNAI-9.

2 THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

... RESPONDENTS/ RESPONDENTS
IN BOTH THE PETITIONS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant 10 days parole to the detainee (Kombaiah) in the Habeas Corpus Petition in H.C.P.(MD).No.1174 of 2021.

Prayer in CRL MP(MD). 8662/ 2021 :

To grant 10 days parole to the detainee (Manikandan) in the Habeas Corpus Petition in H.C.P.(MD).No.1173 of 2021.

Prayer in Habeas Corpus Petition(MD) No.1174/ 2021 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to issue a Writ of Habeas Corpus calling for the records from the second respondent in H.S.(M) Confdl.No. 107/2021, dated 04.08.2021 by setting aside the said order of detention passed by the 2nd respondent and setting the detainee Kombaiah, S/o. Nagaiappan

Prayer in Habeas Corpus Petition(MD) No.1173/ 2021 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased



to issue a Writ of Habeas Corpus calling for the records from the second respondent in H.S.(M) Confdl.No. 108/2021, dated 04.08.2021 by setting aside the said order of detention passed by the 2nd respondent and setting the detenu Manikandan, S/o. Kombaiah

Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.K.PRABHU, Advocate for the petitioner in both the petitions and of Mr.S.RAVI, Additional Public Prosecutor on behalf of the Respondents in both the petitions, the court made the following order:-

Both the petitions have been filed by the wife and mother of the detenues, seeking parole to the detenues, for a period of 10 days, to attend the funeral ceremony of their mother and grandmother respectively. Both the detenues have been detained under the Tamilnadu Act, 14 of 1982, branding them as 'goonda' and confined at Central Prison, Palayamkottai.

2.According to the petitioner, on 20.10.2021, at about 02.00 p.m., the mother of the detenu in HCP.No.1174/2021 and grandmother of the detenu in HCP.No.,1173/2021, died, to attend the funeral ceremony, the petitioner said to have approached the 3rd respondent, seeking for parole to the detenues, but the application was not considered, hence, she has filed the present petitions, seeking for parole to the detenues for 10 days.

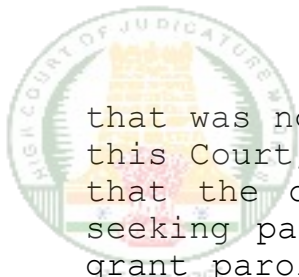
3.The learned counsel for the petitioner has also enclosed the certificate, issued by the Village Administrative Officer, to the effect that the mother and grandmother of the detenues, namely, Esakkiammal, died on 20.10.2021.

4.Mr.S.Ravi, learned Additional Public Prosecutor, on verification, submitted that Esakkiammal, died on 20.10.2021. However, he submitted that as per the guidelines issued by the Government, in G.O(Ms)No.30, Home, Prohibition and Excise (XVI) Department, dated 19.08.2021, the petitioner should have approached the Jail authorities, along with the death certificate, thereafter, the application will be forwarded to the sponsoring authority, for verification, after the receipt of report from the sponsoring authority, the Superintendent of Prison, should file a report to the State Government, ultimately, the State Government has to pass orders and without following the said procedure, the petitioner has approached this Court, seeking for parole.

5.We have considered the rival submissions and we have also perused the G.O issued by the Government.

6.It is a case of death of mother and grandmother respectively, of the detenues, and it is also stated that the petitioner has approached the Jail authorities, seeking for parole to the detenues,

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that was not considered, but, no materials have been produced before this Court, to substantiate the same. However, considering the fact that the detenues are son and grandson of the deceased, they are seeking parole, to attend the funeral ceremony, we are inclined to grant parole to the detenues, for a period of one week, from today. The 3rd respondent is directed to pass necessary orders, granting parole to the detenues who are confined at Central Prison, Palayamkottai, for one week immediately, and also provide them escort, at the expenses of the petitioner and the detenues are directed to return to the Central Prison, Palayamkottai, on or before 05.00 p.m., on 29.10.2021.

7. These Criminal Miscellaneous Petitions are ordered accordingly.

sd/-

21/10/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
HOME PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, CHENNAI-9.
- 2 THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

+1 CC to MR.K.PRABHU, Advocate (SR-7285[I] dated 21/10/2021)

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ORDER

IN

CRL.M.P (MD) Nos.8661 and 8662 of 2021
in

HCP (MD) Nos.1174 and 1173 of 2021

Date : 21/10/2021

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<https://hccvcesm.gov.in/Tices/10.2021/3P/6C>