



Crl.M.P.No.7009 of 2022
in H.C.P.No.197 of 2022

S.VAIDYANATHAN, J.
AND
A.D.JAGADISH CHANDIRA, J.

The petitioner has come forward with the present criminal miscellaneous petition seeking for the grant of parole to his father viz., Kumar @ Valathi Kumar, S/o.Paramasivam, aged about 52 years, who is confined in the Central Prison, Salem and to permit him to go on parole from 07.06.2022 to 13.06.2022 to perform first year death ceremony of the petitioner's mother Rukmani.

2. It is submitted by the learned counsel for the petitioner that the dead body of the petitioner's mother was buried hurriedly and no ceremony was conducted and the petitioner's father may be permitted to attend the first year death ceremony at least for one day i.e., on 13.06.2022.

3. The learned Additional Public Prosecutor submitted that this criminal miscellaneous petition itself is not maintainable and that apart, there is a Government Order in G.O.(Ms)No.30, Home, Prohibition and Excise (XVI) Department, dated 19.08.2021, wherein, paragraph 4 c) would make it clear that the relief sought by the petitioner could not be granted. For the sake of convenience, paragraph 4 c) of the said G.O. is extracted below:

“4.....

c) The Sponsoring Authority concerned upon receipt of the reference from the Superintendent of Prison concerned has to certify the genuineness of the facts mentioned in the application of the detenus or his relative and make his recommendation for such release after ascertaining the fact that whether his presence would not create any law and order problem in the area to which the detenu has proposed to visit, and the safety of the detenu during his presence there and his report has to be sent to the Superintendent of Prison concerned immediately without any loss of time.”



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nsd

4. After hearing both parties, we are of the view that only on certain occasion, the relief sought for by the petitioner would be granted, but, in the case at hand, there is no provision to grant parole to the petitioner's father, who is confined in prison, to attend the first year death ceremony.

5. Hence, we are of the opinion that the relief sought for by the petitioner is not permissible. Therefore, we reject this petition.

Accordingly, this criminal miscellaneous petition stands dismissed.

(S.V.N., J.) (A.D.J.C., J.)
10.06.2022

nsd