



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD)No.3369 of 2022

and

W.M.P (MD) No.2943 of 2022

S.Muthuraman

...Petitioner

Vs.

1.The Additional Chief Secretary,
Home (Prison-III) Department,
Secretariat,
Fort St. George,
Chennai.

2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

3.The Superintendent of Prison,
Central Prison,
Trichy.

4.The Inspector of Police,
Nagudi Police Station,
Pudukottai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in G.O.(D) No.1405 dated 03.12.2021 on the file of the first respondent and to quash the same as illegal and consequently, direct the respondents to grant parole to father of the petitioner namely, Saravanan S/o.Late.Muthu, bearing CT No.23309 at Central Prison in Thiruchy for the period of two months.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor.



O R D E R

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

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The petitioner seeks ordinary leave for his father, who is a life convict serving sentence at the Central Prison, Trichy. The reason for seeking leave is that the life convict requires native treatment for HIV infection.

2. Mr.A.Thiruvadi Kumar, learned Addl Public Prosecutor would submit that the petitioner was granted ordinary leave for a month between 22.07.2021 and 22.08.2021.

3. Relying upon Rules 22(3) of the Tamil Nadu Suspension of Sentence Rules, 1982, the learned Additional Public Prosecutor would further submit that the life convict cannot be granted ordinary leave within two years from the date of earlier grant.

4. Admittedly, the petitioner has availed ordinary leave between 22.07.2021 and 22.08.2021 and that the mandatory two year period has not expired. Even in the impugned order, it is stated that the life convict is being given proper treatment for the ailment suffered by him in the Central Prison itself. Hence, we do not see any reason to interfere with the order impugned in the writ petition. The writ petition fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (A/C's)

// True Copy //

/ /2022

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

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