



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD)No.8547 of 2022

K.Larance

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Prison V) Department,
Fort. St. George, Chennai-9.

2.The Superintendent of Central Prison-II,
Vellore-2.

3.The Additional Director General of Police,
(Prisons), Egmore, Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Ref.No.5009/ThaKu.3/2022, dated 08.04.2022, quash the same and consequently, directing the respondents to grant one month parole / leave to the petitioner's husband D.Kabeeriyal, S/o.Deva Sahayam, Convict No.3830, Central Prison-II, Vellore to attend the 19th day funeral rituals of his deceased sister Alphonse Mary including cemetery opening ceremony and Remembrance prayer scheduled to be held at RC Church Cemetery, KKSSN Nagar, Virudhunagar and at Door No.629/2, Gandhi Nagar, Theatre Road, Virudhunagar.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.S.Ravi,

Additional Public Prosecutor.

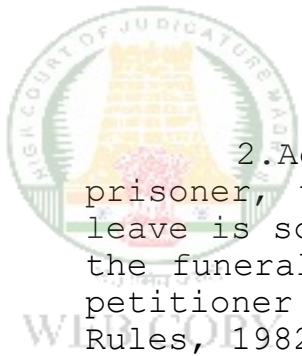
ORDER

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The challenge in this Writ Petition is to the order of the Superintendent of Central Prison, Vellore dated 08.04.2022, rejecting the request of the petitioner for emergency leave for the prisoner, namely, D.Kabeeriyal, (Convict No.3830), who is serving life imprisonment at Vellore Central Jail.



2. According to the petitioner, who is the wife of the prisoner, the own sister of her husband passed away and therefore, leave is sought for, enabling him to attend the 19th day related with the funeral. The second respondent has rejected the request of the petitioner on the ground that the Tamil Nadu Suspension of Sentence Rules, 1982 does not permit leave for attending 19th day of ceremony.

3. Mr. A. Rahul, learned counsel for the petitioner would contend that Rule 6 would take him within the ambit of leave for attending ceremonies related to the funeral also and it should not be confined only to death.

4. This Court had, in ***N. Kumaresan Vs. The State of Tamil Nadu, MANU/TN/2041/2014*** held that these cases must be considered sympathetically and the word 'death' will include ceremonies relating to the death also. Similar view has also been expressed in Crl.O.P. (MD) No. 14446 of 2019, dated 08.10.2019.

5. In view of the above, this Writ Petition stands allowed and the prisoner, namely, D. Kabeeriyal is granted emergency leave for one day with police escort on 10.05.2022. The timing will be at the discretion of the Superintendent of Prison, Central Prison, Vellore / second respondent. He will also take into account the travelling time required, considering the timing of the release and timing of the surrender. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Secretary to Government,
State of Tamil Nadu,
Home (Prison V) Department,
Fort. St. George, Chennai-9.

2. The Superintendent of Central Prison-II,
Vellore-2.

3. The Additional Director General of Police,
(Prisons), Egmore, Chennai.



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

+1 CC to M/s.A.RAHUL, Advocate (SR-22763[F] dated 29/04/2022)

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ORDER MADE IN
W.P (MD) No.8547 of 2022
29.04.2022

TP (CO)

TR (06.05.2022) 3P 6C