



W.P.(MD)No.19216 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.(MD)No.19216 of 2022

D.Govindammal

....Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by the Principal Secretary to Government,
Home (Prison) Department,
Tamilnadu Government Chief Secretariat,
Fort St. George,
Chennai - 600009.

2.The Additional Director General of Police /

Inspector General of Prisons,
C.M.D.A Towers, II,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600008.

3.The Superintendent of Prison

Madurai Central Prison,
Madurai.

....Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to extent the emergent parole leave for 30 days to petitioner's son namely, D.Prakash aged about 43 years now confined at Central Prison, Madurai as life convict No.5322 for the purpose of performing death ceremonies for his father and for petitioner's medical emergency treatment by considering his representation, dated 16.08.2022.

For Petitioner : Mr.P.Yasmin Begum

For Respondents : Mr.S.Ravi

Additional Public Prosecutor

ORDER

[Order of the Court was made by **P.N.PRAKASH, J.**]

The petitioner's son Prakash is a convict prisoner (C.P.No.5322), who has undergone imprisonment for life in Central Prison, Madurai. Prakash father died on 14.08.2022 in connection with which, he was granted emergency leave under Tamil Nadu Suspension of Sentence Rules, 1982, for a period of three days, from 15.08.2022 to 17.08.2022. He was reported to surrender on 18.08.2022. Accordingly,



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he surrendered on 18.08.2022. However, the petitioner gave a representation, dated 16.08.2022 for extending the emergency leave for a further period of thirty days and thereafter, filed the present writ petition.

2. Today when the matter is taken up for hearing, Mr.S.Ravi, learned Additional Public Prosecutor brought to the notice of this Court, the order, dated 18.08.2022 that has been passed by the Superintendent, Central Prison, Madurai, wherein, it is stated that Prakash has exhausted his quota of emergency leave for this year and therefore, he cannot be granted the emergency leave as prayed for by the petitioner.

3. The learned counsel for the petitioner submitted that Prakash may be atleast granted ordinary leave to attend the death ceremony of his father that falls on 28.08.2022 and 29.08.2022. She also contended that Prakash's mother (petitioner herein) is physically indisposed and required to undergo eye surgery.

4. The copy of the order, dated 18.08.2022 passed by the Superintendent, Central Prison, Madurai, was given to the learned



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counsel for the petitioner, for information.

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5. In view of the above, liberty is granted to Prakash to give leave application for ordinary leave and the same may be considered by the authorities sympathetically in accordance with law.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

[P.N.P.,J.] & [R.H.,J.]
23.08.2022

Index : Yes/No
Internet : Yes/No
RM

Note : Issue order copy on 24.08.2022



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To

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P.N.PRAKASH, J.

and

R.HEMALATHA, J.

RM

ORDER MADE IN

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23.08.2022