



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

W.P(MD)No.23320 of 2021

S.Mahalakshmi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Home Department, Secretariat,
St. George Fort,
Chennai-600 009.
- 2.The Inspector General of Prisons,
Office of the Addl. Director General of Police/
Inspector General of Prisons,
Whannels Road,
Egmore,
Chennai-600 008.
- 3.The Deputy Inspector General of Prisons,
Madurai Range,
Central Prison Campus,
New Jail Road,
Madurai-625 016.
- 4.The Superintendent of Prisons,
Central Prison,
Madurai-625 016.

... Respondents

PRAYER: The Writ Petition filed under Article 226 of Constitution of India praying to issue a writ of Mandamus, directing the respondents to grant parole to the petitioner's son Vignesh Kumar @ Love Failure Vicky, S/o.Sathuragiri Siva (Remanded Prisoner) in Central Prison, Madurai for attending the Ceremonial function of his father Late. Sathuragiri Siva, for the period of 30 days by considering the petitioner's representation submitted to the 1 to 4 respondents herein, dated 26.12.2021.

For Petitioner : Mr.Niranjana S.Kumar

For Respondents : Mr.S.Ravi

Additional Public Prosecutor



ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN,J.]

The petitioner's son is a remand prisoner in two NDPS Commercial quantity cases and one 302 IPC case wants parole to perform the last rites of her husband, who expired on 24.12.2021.

2. When the matter came up for hearing, this Court considering the submissions made by the learned Additional Public Prosecutor that the petitioner has not provided correct address and her son being a notorious accused involved in 8 cases including murder case, it is not conducive to release or leave. If he is come out from the prison, he may endanger the life of his rival or his life will be at risk.

3. In response to that, the learned counsel appearing for the petitioner stated that a fresh affidavit is filed stating the correct address of the petitioner along with Aadhar card and restricting the prayer for one day leave i.e., on 30.01.2022, the day on which the rites of the departed soul proposed to be conducted.

4. Considering the submissions made by the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, this Court is of the view that the remand prisoner may be send on leave with escort on 30.01.2022 at 06.00 a.m., and return back to the prison before 09.00 p.m., on that day, for him to perform the necessary ceremonies of his departed father. The petitioner's son shall not involve any other activities, except performing the ceremonies.

5. Though remand prisoners are not entitled for the relief under the prison rules and the remedy is only to approach the concerned Court for bail or interim bail, as an exceptional case, for want of time, instead of directing the petitioner to approach the Magistrate Court, this Court entertain the case as an exception. This cannot be treated as a precedent in future case.

6. Accordingly, the writ petition is disposed of. No costs.

Sd/-

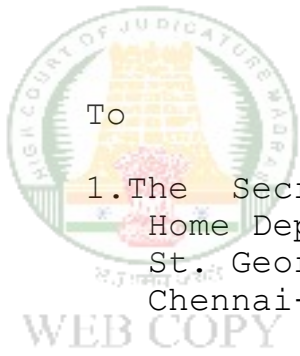
Assistant Registrar (CRL)

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Sub Assistant Registrar(CS)

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To

- 1.The Secretary to Government,
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Chennai-600 009.
- 2.The Inspector General of Prisons,
Office of the Addl. Director General of Police/
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New Jail Road,
Madurai-625 016.
- 4.The Superintendent of Prisons,
Central Prison,
Madurai-625 016.
5. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-2749[F] dated
28/01/2022)

W.P (MD) No.23320 of 2021
28.01.2022

PK(CO)
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