



W.P.(MD)No.28860 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.12.2022

CORAM

**THE HON'BLE DR JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDER MOHAN**

W.P.(MD)No.28860 of 2022

G.Durgadevi

.. Petitioner

Vs.

1.The Superintendent of Prison,
Trichy Central Prison,
Tiruchirappalli District.

2.The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying this Court, to issue a writ of Mandamus, directing the 1st respondent to release the petitioner's husband Gunasekaran, confined at Central Prison, Trichy under C.T.No.22991, on parole by invoking Rule 6 of Tamil Nadu Suspension of Sentence Rules, 1982 considering the petitioner's representation dated 13.12.2022.



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For Appellant :Mr.A.Balaji

For Respondents :Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

DR. G.JAYACHANDRAN,J.
and
SUNDER MOHAN,J.

This writ petition is filed by the wife of the life convict, who was sentenced to undergo life imprisonment, vide judgment of the trial Court in S.C.No.165 of 2017 and the same was confirmed by this Court in CrI.A(MD)No.232 of 2009, vide judgment dated 02.08.2022.

2.The convict has surrendered, after confirming the conviction by this Court and being sent to Central Prison, Trichy, on 21.11.2022. Citing that his wife is in advanced stage of pregnancy and expected date of delivery is 29.12.2022, request for 30 days parole was sought vide representation dated 13.12.2022, soon after the present writ petition is filed on 20.12.2022 seeking mandamus to release the convict on parole by invoking Rule 6 of Tamil Nadu Suspension of Sentence Rules, 1982.



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3.The learned Additional Public Prosecutor appearing for the respondents submitted that the request of the petitioner, dated 13.12.2022 being considered, in the light of the provisions of law and rejected on the ground that Rule 22 of Tamil Nadu Suspension of Sentence Rules, 1982, mandates the embargo of three years of sentence before considering the ordinary leave and further, the subject matter had already been seized by the Hon'ble Supreme Court, in view of the appeal preferred by the convict and therefore, the Prison Rule does not permit to grant parole by invoking Rule 6 of Tamil Nadu Suspension of Sentence Rules, 1982.

4.On considering the reason given by the Prison Superintendent, this Court finds that the writ petition seeking mandamus is not sustainable. Hence, this Petition is dismissed. No costs.

(G.J.,J.) (S.M.,J.)
22.12.2022

Index:Yes/No
Internet:Yes/No
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and
SUNDER MOHAN,J.
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To

- 1.The Superintendent of Prison,
Trichy Central Prison,
Tiruchirappalli District.
- 2.The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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