



WP.No.6576 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM

THE HON'BLE Mr.JUSTICE **M.SUNDAR**
and
THE HON'BLE Mr.JUSTICE **M.NIRMAL KUMAR**

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T.Manivannan

... Petitioner

-Vs-

1. The Secretary,
Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai-600 009.
2. The Deputy Inspector General of Prison,
Prison Department,
Whaneels Road, Ansari Estate,
Egmore, Chennai-600 008.
3. The Superintendent of Prison,
Central Prison,
Salem, Periya Pudur,
Salem-636 007.
4. The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents to grant parole for petitioner brother by name Babu @ Gnansekar (Convict No. 8698) S/o.Thiruvengadam, aged about 29 years who is now under incarceration at



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Central prison, Salem, for a period of five days to conduct the 10th day ceremony of his deceased mother Viz., T.Selvi @ Precilla who died on 22.02.2023 which is scheduled to be held from 01.03.2023 to 05.03.2023 based on petitioner representation dated 25.02.2023.

For Petitioner : Mr.M.Mathan Raj

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

Captioned 'Writ Petition' ['WP' for the sake of brevity] has been filed in this Court on 27.02.2023 with a prayer to direct the respondents to grant 5 days leave for petitioner's brother who is a lifer [Convict No.8698] now lodged in Central Prison, Salem.

2. Mr.M.Mathan Raj, learned counsel for petitioner submits that petitioner's mother [convict prisoner's mother too] one T.Selvi @ Precilla died on 22.02.2023, convict prisoner was given leave and he attended the funeral and five days leave sought now is for attending the 10th day ceremony.

3. From the papers placed before us, we find that what is scheduled to be held on 03.03.2023 is a prayer meeting.



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4. Be that as it may, Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel who accepts notice on behalf of all the four respondents on instructions submits that third respondent has by order dated 28.02.2023 bearing reference No.1486/தஞ3/2023 rejected the request for leave.

5. We also find from the aforementioned 28.02.2023 order that third respondent has proceeded on the basis that under Tamil Nadu Suspension of Sentence Rules 1982, only death, deterioration of health of mother, father, wife, husband, children, brothers'/sisters' wedding can be a ground for emergency leave.

6. In the result, captioned writ petition is dismissed. There shall be no order as to costs.

(M.S.,J.) (M.N.K.,J.)
02.03.2023

Speaking / Non-speaking

Neutral Citation : Yes / No

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M.SUNDAR, J.
and
M.NIRMAL KUMAR, J.

kmi

To

1. The Secretary,
Government of Tamil Nadu,
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Fort St. George, Chennai-600 009.
2. The Deputy Inspector General of Prison,
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Whaneels Road, Ansari Estate,
Egmore, Chennai-600 008.
3. The Superintendent of Prison,
Central Prison,
Salem, Periya Pudur,
Salem-636 007.
4. The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
5. The Public Prosecutor,
Madras High Court, Chennai – 104.

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