



WEB COPY



W.P.No.3282 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM :

THE HON'BLE MR. JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.3282 of 2024

Mohana

...Petitioner/mother of the detenu

VS.

1.The Principal Secretary to Government,
Home (prison) Department,
Tamil Nadu Government Secretariat,
St.George Fort,
Chennai-600 009.

2.The Additional D.G.P/I.G of Prisons,
CMDA Towers II,
No.1, Gandhi Erwin Road,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison Puzhal I,
Chennai-66.

4.The State Rep. by its,
The Inspector of Police,
J-11 Kannagi Nagar Police Station,
Chennai.

...Respondents



W.P.No.3282 of 2024

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to grant parole to the detenue, Tamil @ Tamilarasan (CP No.8595), male, aged about 25 years, S/o.Dhayalan, now confined in Central Prison, Puzhal I, Chennai in pursuant to the petitioner's representation dated 07.02.2024 for a period of one week.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by C.Aravind

ORDER

(Order of the Court was made by **M.S.RAMESH,J.**)

The prayer in the present writ petition is for grant of ordinary leave for 7 days for the petitioner's son viz., Tamil @ Tamilarasan (CP No.8595), aged about 25 years, S/o.Dhayalan, confined at Central Prison, Puzhal I, Chennai.

2. On the ground that the life convict's brother had died and his death ceremony is to be conducted on 15.02.2024, the petitioner herein who is the



W.P.No.3282 of 2024

mother of the life convict, seeks for grant of ordinary leave.

WEB COPY

3.The Probation Officer, in his report dated 31.01.2024, has stated that the life convict's brother was murdered by some unknown persons, who are all absconding. In case, the life convict is granted ordinary leave, he is likely to retaliate on the persons who had attacked his brother since they are all absconding. It is further stated that the postmortem report is yet to be received by the Investigating Authority, and therefore, he has not recommended for release.

4.It is brought to our notice that when the life convict's brother had died on 31.01.2024, his request to attend the funeral was rejected and he was permitted to view the funeral through video conferencing.

5.We are of the view that if the life convict is granted two days ordinary leave from 15.02.2024 to 16.02.2024, the ends of justice could be secured.



W.P.No.3282 of 2024

6. Accordingly, there shall be a direction to the respondents to forthwith grant ordinary leave to the life convict, Tamil @ Tamilarasan (CP No.8595), aged about 25 years, S/o.Dhayalan, confined at Central Prison, Puzhal I, Chennai, from **15.02.2024** till **16.02.2024**. However, since there is a possibility of law and order problem, the leave can be granted with adequate escort. Hence, the leave is granted on the following terms.

(i) The convict prisoner viz., Tamil @ Tamilarasan (CP No.8595), aged about 25 years, S/o.Dhayalan, confined in Central Prison, Puzhal I, Chennai, shall be released from the prison at 10.00 a.m., on 15.02.2024;

(ii) The convict prisoner shall return back to the prison at 05.00 p.m., on 16.02.2024.

(iii) The third respondent is directed to provide adequate escort to the convict from the Central Prison from the time he leaves the prison and till such time he is taken back to the prison.



W.P.No.3282 of 2024

7. The writ petition stands allowed.

WEB COPY

(M.S.R.,J.) (S.M.,J.)
13.02.2024

Note to Registry:

- 1.Issue order copy by __.02.2023.
 - 2.Upload the order copy forthwith.
- Anu



W.P.No.3282 of 2024

M.S.RAMESH,J.

AND

SUNDER MOHAN,J.

Anu

Copy to:

1.The Principal Secretary to Government,
Home (prison) Department,
Tamil Nadu Government Secretariat,
St.George Fort,
Chennai-600 009.

2.The Additional D.G.P/I.G of Prisons,
CMDA Towers II,
No.1, Gandhi Erwin Road,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison Puzhal I,
Chennai-66.

4.The Inspector of Police,
J-11 Kannagi Nagar Police Station,
Chennai.

5. The Additional Public Prosecutor,
High Court, Madras.

W.P.No.3282 of 2024