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W.P.No.5801 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.5801 of 2024

Kannammal
Petitioner

...

Vs.

1.The State repr. By its,
Home Secretary,
Home Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Additional Director General of Police (Prison),
Whannels Road, Egmore,
Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison,
Cuddalore – 607 001.

4.The Inspector of Police,
Tittakudi Police Station,
Cuddalore District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order No.339/Tha.Ku.2/2024 dated 06.02.2024, issued by the 3rd respondent and quash the same and consequently direct the respondents to grant parole for 40 days without escort to the petitioner's son named Paramasivam, S/o.Murugesan, (Convict Prisoner No.11305), aged 45 years, now confined in Central Prison, Cuddalore, before this Court and further directing the respondents to consider him immediately for the parole and for consequential orders.

For Petitioner : Mr.K.Amirthalingam

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

ORDER

M.S.RAMESH, J.
AND
SUNDER MOHAN, J.

The petitioner's request for grant of 40 days leave for her son, who has been sentenced for life imprisonment, has been rejected through the impugned order dated 06.02.2024, predominantly on the ground that the prisoner has been implicated for an offence under Section 224 of IPC in



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Crime No.158 of 2018, while he was on emergency leave for 3 days between 19.08.2007 and 23.08.2007. Challenging the said impugned order, the present Writ Petition has been filed.

2. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 16.03.2024, in which the request of the petitioner was not favourably recommended. The reason assigned therein is that the petitioner's son while he had come out on emergency leave on 19.08.2007, had absconded from 23.08.2007 and thereafter, he was arrested on 07.11.2018 for the implicated offence under Section 224 of IPC.

3. The learned counsel for the petitioner submitted that the petitioner is aged about 74 years and is suffering from heart ailment. In this background, she requires the assistance of her son for taking medical treatment.

4. We have taken into consideration that the life convict has been in prison from 07.11.2018 onwards and he has not been granted any sort of



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leave for the past about 6 years. This apart, the life convict was punished for the offence under Section 224 of IPC way back in the year 2018 and citing the same as a reason for rejection of the petitioner's request, may not be appropriate.

5. In consideration of the petitioner's medical ailment and the requirement of her son for extending all the medical facilities to her, we are of the view that the life convict can be released and be granted ordinary leave for the period of 28 days, for which he is otherwise said to be eligible, with minimum escort.

6. Accordingly, the impugned order dated 06.02.2024 passed by the third respondent, is hereby set aside. Consequently, the petitioner's son/life convict namely Paramasivam, S/o.Murugesan, Convict Prisoner No.11305, aged about 45 years, is granted ordinary leave for a period of 28 days with **minimum escort**, commencing from 25.03.2024 to 21.04.2024. After expiry of the ordinary leave, the life convict shall surrender before the third respondent herein, on 22.04.2024 before 10.00 a.m. The convict shall utilize the leave only for the purpose for which it has been granted and



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shall not indulge in any other activities.

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7. With the above directions, the Writ Petition stands allowed. No costs.

8. For the purpose of extending minimum escort and for an effective implementation of this order, the Superintendent of Police, Cuddalore, is *suo-motu* impleaded as a party respondent.

[M.S.R., J]

[S.M., J]

20.03.2024

Issue on 22/3/24.

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

Sni

To

1.The Home Secretary,
Home Department,
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Chennai – 600 009.

2.The Additional Director General of Police (Prison),
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Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison, Cuddalore – 607 001.

4.The Superintendent of Police,
Cuddalore.

5.The Inspector of Police,
Tittakudi Police Station,
Cuddalore District.

6.The Public Prosecutor,
High Court, Madras.

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20.03.2024