



WP.No.13260 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.05.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

WP.No.13260 of 2024

A.Pachaimmal

.. Petitioner

Vs.

1. The Secretary to Government,
Home department,
Secretariat,
For st. George,
Chennai 600 009.

2. The Director General of Police and
Director General of Jails,
Egmore, Chennai 600 008.

3. The Superintendent of Prisons,
Central Prison – 1,
Puzhal, Chennai 600 066

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 3rd respondent to consider my representation dated 15.04.2024 and direct the 3rd respondent to grant parole leave for a period of one month to petitioner's son confined at Central Prizon, Puzhal -1, Chennai 600 066.



WP.No.13260 of 2024

For Petitioner : M/s.S.Sujatha
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.,)

- (1)Mr.A.Gokulakrishnan, learned Additional Public Prosecutor takes notice on behalf of the respondents.
- (2)The petitioner is the mother of the detenu / convict prisoner. She has filed the present petition seeking a direction to the 3rd respondent to grant parole/leave for a period of one month by considering her representation dated 15.04.2024.
- (3)The case of the petitioner is that her son, a convict prisoner is now confined at Central Prison -I, Puzhal, Chennai and that she is taking care of her granddaughter / daughter of the detenu. It is her further case that she being a 70 years old woman, finds it difficult to raise her granddaughter. Now that the daughter of the detenu is going to 11th standard, the presence of the detenu is very much essential for getting admission of his daughter and for monetary support. In the said



WP.No.13260 of 2024

WEB COPY

circumstances, the petitioner has submitted a representation dated 15.04.2024 to the respondents seeking one month parole. Since the same did not evoke any response, she has filed the present petition.

(4) Heard the learned counsel for the petitioner.

(5) The learned Additional Public Prosecutor, on the other hand, submitted that the detenu has been convicted in three cases, namely, in SC.No.130/2012, SC.No.87/2012 and SC.No.198/2014. He would further submit that very recently the detenu had been granted Ordinary Leave by this Court for a period of three days with escort vide order dated 20.03.2024 in WP.No.6555/2024 and as per Rule 21[b] of the Tamil Nadu Prison Manual Volume III, the detenu is not eligible for parole / leave and he strongly opposed for grant of leave to the detenu.

(6) In the present case, the detenu seeks parole/leave for educational purpose of his daughter. Though as per Rule 21[b] of the Tamil Nadu Prison Manual, the detenu is not entitled for any leave, taking into sympathetic and humanitarian consideration, this Court is inclined to direct the 3rd respondent to grant emergency leave to the son of the petitioner / detenu Rajadurai, son of late Arumugam, as the said leave is



WP.No.13260 of 2024

WEB COPY

for making arrangements for the education of his daughter.

(1) Therefore, we are inclined to dispose of the writ petition with the following directions:

(i) The convict prisoner, namely, Rajadurai, son of Arumugam, (C.P.No.3782) shall be granted emergency leave for a period of three days, i.e., **from 14.05.2024 to 16.05.2024.**

(ii) During the said leave period, the convict prisoner shall report before the Inspector of Police, Viruthachalam Police Station, Virudhachalam, Cuddalore District, daily at 10.30 a.m. and 5.30 p.m., without fail.

(iii) The respondents are entitled to impose necessary conditions.

(iv) The Convict Prisoner **shall shall report back** to the Superintendent of Prison, Central Prison-I, Puzhal / 3rd respondent herein, **by 10.00 a.m. on 17.05.2024, without fail.**

(v) **Necessary escort shall be provided to accompany the convict prisoner.**



WP.No.13260 of 2024

WEB COPY

(vi)The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment period.

(vii)During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

[ADJCJ] [RKMJ]
09.05.2024

AP

Internet : Yes

To

1. The Secretary to Government,
Home department, Secretariat,
For st. George, Chennai 600 009.
2. The Director General of Police and
Director General of Jails,
Egmore, Chennai 600 008.
3. The Superintendent of Prisons,
Central Prison – 1,
Puzhal, Chennai 600 066.
- 4.The Public Prosecutor
High Court, Chennai.



WEB COPY



WP.No.13260 of 2024

A.D.JAGADISH CHANDRA,J.,
and
R.KALAIMATH,J.,

AP

WP No.13260 of 2024

09.05.2024