
(2014) 10 MAD CK 0113
In the Madras High Court
Case No : Writ Petition No. 17064 of 2014

N. Kumaresan

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 17-10-2014

Acts Referred:

Citation : (2014) 10 MAD CK 0113

Hon'ble Judges : M. Venugopal, J

Bench : Single Bench

Judgement

M. Venugopal, J.—Heard the Learned Counsel appearing for the Petitioner and the Learned Additional Government Pleader appearing for the Respondents.

2. According to the Petitioner, his Uncle Azhagar @ Pal Azhagar, (Prisoner No. 24503 of Vellore Central Prison) is a Life Convict Prisoner. He was convicted in three different Sessions Cases, in S.C. No. 215 of 1990, S.C. No. 158 of 1993 and S.C. No. 333 of 1997, by the trial Court concerned and as such, he had already undergone more than 24 years of imprisonment, as a Life Convict.

3. It is represented on behalf of the Petitioner before this Court that the Petitioner's grandmother Ariyammal (his Uncle/Life Convict's mother) passed away on 23.09.2014, at about 10.24 p.m., at Nandhini Nursing Home, Jaihindpuram, Madurai. Earlier, this Court in W.P. (MD) No. 16258 of 2014, had granted Parole to the Petitioner's Uncle, for 9 days, as per order dated 24.09.2014 and the Parole was granted till 03.10.2014 with a direction that the Convict shall report before the Central Prison, Vellore at 5.00 p.m., on 03.10.2014.

4. The grievance of the Petitioner is that his Uncle is the only son to his Mother Ariyammal and he has to do Religious Rituals, including the Celebration of "30th Day" Ceremony of his deceased mother. As such, for and on behalf of his Uncle viz., Azhagar @ Pal Azhagar, Son of Chithiah Thevar, aged about 51 years (Life Convict, now confined in Central Prison, Vellore, as Prisoner No. 24503), the

Petitioner seeks Parole for a period of two weeks from 21.10.2014, to enable his Uncle to attend the Celebration of "30th Day" Ceremony of his deceased mother Ariyammal, to be held on 23.10.2014.

5. Per contra, the Learned Additional Government Pleader appearing for the Respondents submits that the Petitioner's Uncle viz., Azhagar @ Pal Azhagar, S/o. Chithiah Thevar, aged about 51 years, cannot claim Leave, as a matter of Right and the same may be granted as concession to the Prisoner/Life Convict. Further, already the Petitioner's Uncle was released on Parole by this Court, as per order dated 24.09.2014 in W.P. (MD) No. 16258 of 2014 and in the said order, he was granted Parole till 03.10.2014 and was directed to report back to the Central Prison, Vellore at 5.00 p.m., on 03.10.2014.

6. It is the submission of the Learned Additional Government Pleader appearing for the Respondents that as per Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982, Emergency Leave may be granted to a Prisoner for attending death or serious illness of father, mother, wife, husband, son, daughter, full brother or full sister or the wedding of son, daughter, full brother or full sister of the Prisoner. In the instant case on hand, the Petitioner's Uncle is not entitled to be released on Parole for attending the 30th day ceremony of his mother because of the reason that the Tamil Nadu Suspension of Sentence Rules, 1982, does not provide for the same.

7. Inasmuch as the Petitioner's Uncle Azhagar @ Pal Azhagar (Life Convict, now confined in Central Prison, Vellore, as Prisoner No. 24503) mother Ariyammal passed away on 23.09.2014 at about 10.24 p.m., at Nandhini Nursing Home, Jaihindpuram, Madurai and also this Court, taking note of the fact that on earlier occasion in W.P. (MD) No. 16258 of 2014 on 24.09.2014, this had granted Parole to the Petitioner's Uncle till 03.10.2014 to attend the Funeral Ceremony of his Mother etc., and also by taking into consideration of an important fact that the Petitioner's Uncle Azhagar @ Pal Azhagar (Prisoner in question) is to attend the 30th day ceremony of his mother, at this stage, by taking into sympathetic and humanitarian consideration, orders the release of the Petitioner's Uncle Azhagar @ Pal Azhagar S/o. Chithiah Thevar, aged about 51 years (Life Convict, now confined in Central Prison, Vellore, as Prisoner No. 24503), for the purpose of attending his Mother's 30th Day Ceremony, which is to take place on 23.10.2014 and in this regard, the Petitioner is granted Parole from 21.10.2014 to 23.10.2014 till 5.00 p.m., and on 23.10.2014, immediately after completion of 30th Day Ceremony of the Prisoner's mother, the 3rd Respondent/ Superintendent of Prison, Central Prison, Vellore, Vellore District, is hereby directed to ensure that the said Prisoner/Life Convict, is brought back to the Central Prison at Vellore with necessary/adequate Police Escorts and lodge there.

8. In the meanwhile, during the period from 21.10.2014 to 23.10.2014, the Petitioner's Uncle Azhagar @ Pal Azhagar, Son of Chithiah Thevar, aged about 51 years (Life Convict, now confined in Central Prison, Vellore, as Prisoner No. 24503), is directed to report before the Inspector of Police, Jaihindpuram Police

Station, Madurai City, daily at 10.00 a.m., without any fail at any costs.

9. The Learned Additional Government Advocate is directed to communicate the copy of this order to the 3rd Respondent/Superintendent of Prison, Central Prison, Vellore, immediately, for strict compliance of this order. The 3rd Respondent/Superintendent of Prison, Central Prison, Vellore is also directed to submit a report to the Registry, as to the compliance of the direction issued by this Court.

10. With the aforesaid direction, the Writ Petition stands disposed of. No costs.