

(2011) 07 MAD CK 0006

In the Madras High Court

Case No : Writ Petition (MD) No. 7542 of 2011

P. Muthuramalingam

APPELLANT

Vs

The Superintendent, Central Prison, The Superintendent of
Police and The Inspector of Police

RESPONDENT

Date of Decision : 08-07-2011

Acts Referred:

Citation : (2011) 07 MAD CK 0006

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

Advocate : A.P. Muthu Pandian, for the Appellant; R. Ananda Raj, Government Advocate, for the Respondent

Judgement

R. Sudhakar, J.—This Writ Petition has been filed a Mandamus to direct the first Respondent to grant three days parole leave from

09.07.2011 to 11.07.2011 to the Petitioner's father Thalayari Pandian, S/o.Sangili Karuppana Thevar, who has been detained in Central Prison,

Madurai, for attending his daughter's marriage to be held on 10.07.2011 at 9.00 a.m to 10.30 a.m at Arulmighu Angalaparameshwari Amman

Thirukovil, Aanaikulam, Thirusuli Taluk, Virudhunagar District.

2. Heard Mr. A.P. Muthu Pandian, learned Counsel for the Petitioner and Mr. R. Ananda Raj, learned Government Advocate, who takes notice

for the Respondents.

3. The Petitioner is the son of a life convict by name Thalayari Pandian, who has been detained in Central Prison, Madurai under the control of the

first Respondent. He has filed an application for emergency leave in terms of Sections 7 and 8 of the Tamil Nadu Suspension of Sentence Rules,

1982, on the ground that his daughter's marriage is to be celebrated on 10.07.2011 at Arulmighu Angalaparameshwari Amman Thirukovil,

Aanaikulam, Thirusuli Taluk, Virudhunagar District. Since the same has not been considered, the Petitioner has filed the present Writ petition for a

Mandamus to grant emergency leave to his father for a period of three days from 09.07.2011 to 11.07.2011.

4. On instructions, the learned Government Advocate states that provisions of the Tamil Nadu Suspension of Sentence Rules, 1982 does not

provide for emergency leave as the appeal is pending before the Supreme Court.

5. The above stated reason is not reflected in the 1982 Rules, referred to above. On the contrary elaborate proceedings has been prescribed as to

how emergency leave should be applied and who should grant emergency leave and how it should be executed and the period of emergency leave

has also been specified, including police escorts.

6. In this case, the Petitioner's father was earlier granted emergency leave in W.P(MD) No. 1312 of 2010, by order dated 10.02.2010 to

participate in the death ceremony of the convict's mother.

7. Considering the above facts and in view of the convict's daughter's marriage stated to be held on 10.07.2011, the Superintendent of Police,

Central Prison, Madurai is directed to allow the convict Thalaiyari Pandian, the father of the Petitioner on emergency leave to attend the marriage

of his daughter to be held on 10.07.2011 at Arulmighu Angalaparameshwari Amman Thirukovil, Aanaikulam, Thirusuli Taluk, Virudhunagar

District. The convict shall be escorted by sufficient police force as prescribed and brought back to the Central Prison, Madurai after the marriage

function is over. The first Respondent is entitled to approach the second Respondent for appropriate police escorts and the second Respondent

shall provide the same on such request.

8. With the above direction, this Writ Petition is disposed of. No. Costs.

9. The Registry is directed to post this matter on 11.07.2011 for reporting compliance.