
(2013) 12 MAD CK 0027
In the Madras High Court
Case No : W.P. No. 33121 of 2013

S. Valli

APPELLANT

Vs

Deputy of Inspector General Prison, Head Quarters-Prison
and Another

RESPONDENT

Date of Decision : 05-12-2013

Acts Referred:

Citation : (2014) 1 MLJ(Cri) 286

Hon'ble Judges : V. Dhanapalan, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

V. Dhanapalan, J.—Petitioner is the wife of life convict Samaraji, son of late. Dhanakoti, life convict No. 23768, who is serving sentence for

the past 7 years at Central Prison, Vellore. According to the petitioner, her daughter S. Saranya's marriage has been arranged with G.

Karthikeyan, son of late. Govindaraji, who hails from Palacode Taluk, Dharmapuri District and that the marriage is to be solemnized on

06.12.2013 at Kalabairavar Temple, Krishnagiri. Petitioner made a representation to the 1st respondent on 14.11.2013 with a request to grant

one month parole to her husband to enable him to arrange the marriage and participate in the marriage and other related functions. But, so far the

respondent has not passed any order and, therefore, the petitioner is before this Court in this writ petition. Mr. S. Shankar learned counsel

appearing for the petitioner, submits that the marriage of the life convict's daughter has been fixed on 06.12.2013 and even though a request was

made to the respondents on 14.11.2013 itself, they have not considered the same favourably. He also would submit that as per the Tamil Nadu

Prison Manuals, the right of the life convict to attend the marriage of kith and kin is permissible.

2. Mr. R. Rajeswaran, learned Special Government Pleader, who took notice for the respondents, by producing a copy of the communication

received from the Superintendent of Central Prison, Vellore, the 2nd respondent herein, in letter No. 13018/tha.ku.3/2013 dated 05.12.2013,

informs that the request of the petitioner had been considered and one day leave has been granted to the life convict.

3. I have heard the learned counsel appearing on either side and perused the materials made available to the Court.

4. It is not in dispute that the petitioner's husband Samaraji has been convicted for life imprisonment and is undergoing sentence at the Central

Prison, Vellore. It is also seen from the marriage invitation annexed in the typed set of papers filed along with this writ petition that petitioner's

daughter's marriage is scheduled to be solemnised on 06.12.2013. The claim of the petitioner is that a representation has been made on

14.11.2013. But, it is reported that the representation has been received only on 04.12.2013. Whatever be the position, the request of the

petitioner for release of her husband for a period of 15 days cannot be acceded in toto. Rule 13 of the Tamil Nadu Suspension of Sentence Rules,

1982 provides as follows:

13. Maximum period of emergency leave:

The total period of emergency leave to be granted to a prisoner by the Superintendent of Prisons or the Inspector - General of Prisons, as the case

may be, shall be fifteen days in a year to be spread over four spells, subject to the maximum of six days in any one spell according to the need of

the prisoner on the occasion and the remaining nine days in three spells each spell not exceeding three days at a time and the decision of the

superintendent or the Inspector-General of prisons in deciding the duration of the spell shall be final. However, in exceptional cases, the

Government may extend the period of emergency leave following the procedure prescribed in rule 34. Application for emergency leave for the fifth

time in a year shall be submitted to Government for prior orders.

5. From a reading of this provision it is clear that even the prison authorities namely the Superintendent of Prison and the Inspector General of

Prison can grant six days leave in one spell according to the need of the prisoner. In the instant case, the petitioner has requested for 15 days leave.

This request should have been considered atleast for a minimum period of 6 days as the request for leave is to solemnize the marriage of the life

convict's daughter. On the contrary, the prison authorities have taken a hard view to permit the life convict to avail leave for one day only. This

could not be the acceptable position even as per the Prison rules.

6. Considering the aforesaid circumstances, as the petitioner, wife of the life convict, has sought for 15 days leave to him, this Court is of the

considered opinion that the life convict can be granted a minimum of three days leave to enable him to solemnize his daughter Saranya's marriage

with Karthikeyan on 06.12.2013. Accordingly, the respondents are directed to release the life convict Samaraji on leave from Central Prison,

Vellore, before 4.00 p.m. today (i.e. 05.12.2013) after following the usual procedure and other safeguarding measures in accordance with the

Prison manual and he shall be taken back to the Central Prison, Vellore, before 4.00 p.m. on 08.12.2013. The Superintendent of Central Prison,

Vellore, shall provide necessary escort to the life convict from the Central Prison, Vellore, from the time he leaves the Central Prison, Vellore and

till such time he is taken back to the Central Prison, Vellore, on the said date and time as ordered by this Court. This writ petition stands disposed

of. There shall be no orders as to the costs.