

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.08.2017

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THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.19276 of 2017

&

WMP.No.20771 of 2017

S.Selvi

.. Petitioner

Vs

The Jail Superintendent,
Central Prison,
Thorappadi,
Vellore-2

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus to call for the records of the impugned letter No.7276/ThA KU.3/2017, dated 30.06.2017, issued by the respondent herein and quash the same and direct the respondent to release the husband of the petitioner namely Mr.Jakky @ Selvaraj, confined at Central Prison, Vellore, as life Prisoner No.22596 on emergency leave for the period from 25.08.2017 to 09.09.2017.

For Petitioner : Mr.N.Anand Venkatesh

For Respondent : Mr.D.Vairamoorthy,
Special Government Pleader

O R D E R

Writ petition has been filed for the issuance of a writ of Certiorarified Mandamus to call for the records of the impugned letter No.7276/ThA KU.3/2017, dated 30.06.2017, issued by the respondent herein and quash the same and direct the respondent to release the husband of the petitioner namely Mr.Jakky @ Selvaraj, confined at Central Prison, Vellore, as life Convict No.22596 on emergency leave for the period from 25.08.2017 to 09.09.2017.

2.Under Rule 13 of the Tamil Nadu Suspension of Sentence Rules 1982, the respondent has power to sanction emergency leave of 15 days in four spells i.e., 6+3+3+3 days per year. In so far as the petitioner's case is concerned, when the petitioner's husband had earlier availed ordinary leave for 30 days from 19.05.2017 to 19.06.2017, he is not eligible for the grant of

ordinary leave. As such, the petitioner's husband will be eligible to two spells of emergency leave of 3+3 days in this year. It is the grievance of the petitioner that her daughter's marriage is to be held on 3rd and 4th September, 2017, for which purpose she needs the assistance of her husband.

4. In this back ground, the petitioner is granted liberty to make out a fresh application alongwith this order seeking for emergency leave for six days and the respondent herein shall consider the same, in the light of the observations made, and pass orders within two days on receipt of such application. While considering the petitioner's application, the respondent shall also take into account Rule 15 of the Tamil Nadu Suspension of Sentence Rules, 1982 for the expenses of the escort to be recovered from the petitioner's husband.

5. The writ petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The Jail Superintendent,
Central Prison,
Thorappadi,
Vellore-2

2. The Public Prosecutor,
High Court, Madras.

+1cc to N.Anand Venkatesh, Advocate sr.56809

+1cc to Government Pleader sr.57447

WP.No.19276 of 2017

ss (22/8/2017)