



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.1373 of 2017

Sudalaimuthu

... Petitioner

-vs-

1.State of Tamilnadu represented by
The Principal Secretary,
Home (Prison) Department,
Fort St.George,
Secretariat, Chennai-600 009.

2.The Additional Director General of Police(Prisons)/
The Inspector General of Prisons,
CMDA Tower-II, No.1, Gandhi Irwin Road,
Egmore, Chennai.

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

.. Respondents

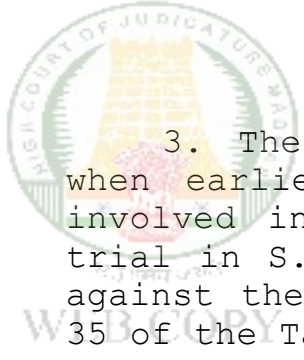
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to grant 3 days emergency leave to the petitioner to see his ailing mother under Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.T.S.Mohammed Mohideen
1 TO 3 Additional Government Pleader

O R D E R

The petitioner is a life convict (Convict No.267) and is undergoing life sentence in the Central Prison, Palayamkottai. The petitioner has given a representation on 21.12.2016 seeking emergency leave on the ground that his mother is seriously ill. Thereafter, the petitioner filed the present Writ Petition with the above prayer.

2. Heard Mr.R.Alagumani, learned Counsel appearing for the petitioner and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader appearing for the respondents.



3. The learned Additional Government Pleader submitted that when earlier this petitioner was granted leave, he got himself involved in a criminal case and in the said case, he is facing trial in S.C.No.104 of 2016 and therefore, when a case is pending against the petitioner, no leave can be granted in terms of Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982.

4. Mr.R.Alagumani, learned Counsel for the petitioner fairly conceded the position and he submitted that it would suffice, if the petitioner is permitted to call on his ailing mother under police escort.

5. Accepting the submission made by the learned Counsel for the petitioner, this Court directs the third respondent to send the petitioner under police escort to visit his ailing mother on any suitable day. The petitioner shall be sent at 08.00a.m., in the morning and shall brought back before 06.00p.m., on the same day.

6. With the above directions, this Writ Petition is disposed of.

Sd/-

Assistant Registrar(CRL SIDE)

/True Copy/

Sub-Assistant Registrar

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To:

1.The Principal Secretary,
Home (Prison) Department,
Fort St.George,
Secretariat, Chennai-600 009.

2.The Additional Director General of Police(Prisons)/
The Inspector General of Prisons,
CMDA Tower-II, No.1, Gandhi Irwin Road,
Egmore, Chennai.

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

1CC TO MR. R. ALAGUMANI, ADVOCATE SR: 19387
1CC TO THE SPL GOVT PLEADER SR: 50254