

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL
AND
THE HON'BLE MRS.JUSTICE M.NIRMAL KUMAR

H.C.P.No.1075 of 2018

Pramila

.... Petitioner
(Wife of the detainee)

vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Home,
Fort St.George,
Chennai-600 009

2.The Superintendent of Central Prison,
Puzhal-1,
Chennai-600 066

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the Respondents to grant one month ordinary leave to the Life Convict Jayapal, C.No.1443, son of Ramasamy, aged about 54 years, now confined at Central Prison, Puzhal, Chennai-600 066 to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.R.Pratap Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.VENUGOPAL,J.)

The Petitioner's Husband, Jayapal, a Life Convict (C.No.1443), is now confined at Central Prison, Puzhal-I, Chennai. He is in Jail over 20 years and his Daughter is getting married on 27.6.2018, at Arakkonam. Therefore, the Petitioner/Wife of the Life Convict, aforesated Jayapal, has filed the present Habeas Corpus Petition, praying for passing of an order by this Court in directing the Respondents to grant one month Ordinary Leave to him, because of the reason that his

presence is of immense necessity to do the marriage function duties and also to arrange other functions in connection with the slated marriage.

2.It comes to be known that the Petitioner/Wife of the Life Convict, Jayapal (C.1443), had addressed a Letter dated 04.06.2018 to the Home Secretary to the Tamil Nadu Government and the Superintendent of Central Jail, Puzhal-I, Chennai. In this connection it is to be pointed out that Rule 19 of the Tamil Nadu Suspension of Sentence Rules 1982, enjoins that the Deputy Inspector General of Prisons is the competent authority to issue order of release of prisoners on ordinary leave, subject to the satisfaction of all the conditions in these rules. Furthermore, as per Rule 23 of the Tamil Nadu Suspension of Sentence Rules, 1982, the Petition for Ordinary Leave shall be submitted by the prisoner or by a relative of the said prisoner to the Deputy Inspector-General of Prisons concerned direct or sent through the Superintendent of Prison where the prisoner to whom leave is to be granted is confined.

3.In view of the fact that the Petitioner [Wife of the Life Convict, viz. Jayapal (C.1443)] had addressed a Letter dated 04.06.2018 to the Second Respondent/Superintendent of Central Prison, Puzhal-I, Chennai, praying for the grant of one month Ordinary Leave to her Husband, viz., Jeyavel, the Life Convict (C.1443), now confined at Central Prison, Puzhal, this Court directs the Second Respondent/Superintendent of Central Prison, Puzhal-I, Chennai, to transmit the Representation of the Petitioner dated 04.06.2018 to the Deputy Inspector General of Prisons, Chennai, within three days from today (i.e. on or before 09.06.2018) and on receipt of the said Representation of the Petitioner by the Deputy Inspector General of Prisons, Chennai, he is directed to pass necessary orders on the Petition/Representation of the Petitioner dated 04.06.2018 within a period of four days thereafter, i.e. on or before 13.06.2018.

With the above said observation/direction, the Habeas Corpus Petition stands disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Department of Home,
Fort St.George,
Chennai-600 009

2.The Superintendent of Central Prison,
Puzhal-1,
Chennai-600 066

3.The Public Prosecutor,
High Court, Madras

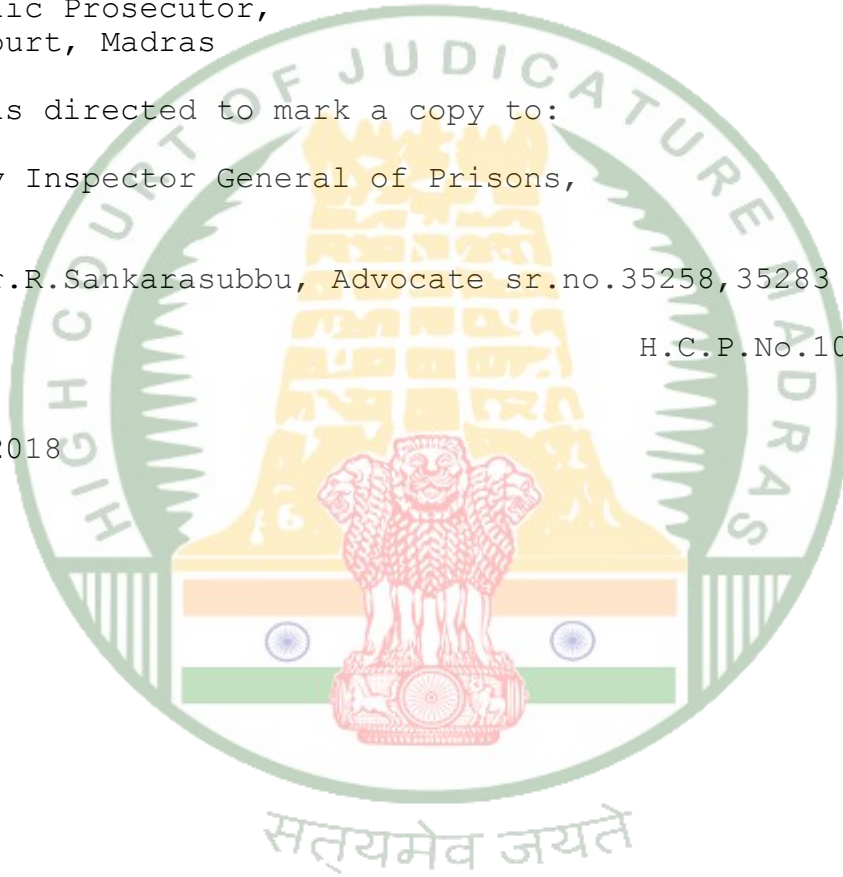
Registry is directed to mark a copy to:

The Deputy Inspector General of Prisons,
Chennai.

+2cc to Mr.R.Sankarasubbu, Advocate sr.no.35258,35283

H.C.P.No.1075 of 2018

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