

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2018

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.30671 of 2018

S.Pushpavathy

... Petitioner

Vs.

1.The Principal Secretary to
Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.

2.The Superintendent,
Cuddalore Central Prison,
Cuddalore,
Cuddalore District.

...Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant one-month ordinary leave without police escort to the petitioner's husband Super @ Subrayan S/o Adhimoolam confined at Cetral Prison, Cuddalore having Prisoner No.15249 to undergo life imprisonment under Rule 22(2) of Tamil Nadu Suspension of Sentence Rules, 1982 within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran

For R2 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for issuance of a writ of mandamus directing the respondents to grant one month ordinary leave to the husband of the petitioner, who is a life convict, presently confined at Cetral Prison, Cuddalore.

2. The learned counsel for the petitioner would submit that earlier a Criminal Original Petition No.25033 of 2018 was filed before this Court seeking for similar relief and the same was withdrawn with a liberty to file a fresh writ petition on 25.10.2018.

3. It is seen from the records that the husband of the petitioner is a life convict and he is confined at Cetraral Prison, Cuddalore from 18.03.2014, bearing prisoner No.15249. He has already undergone imprisonment for more than five years.

4. The learned counsel for the petitioner would submit that there is a serious financial problem faced by the family of the petitioner and therefore the presence of the petitioner's husband is necessary for the purpose of disposing of certain properties and in order to settle the family disputes. Therefore, the petitioner had made a representation to the first respondent seeking for an ordinary leave, for a period of one month. This representation has not been considered and no orders have been passed even today and therefore the petitioner has approached this Court seeking for appropriate directions.

5. The learned Additional Public Prosecutor would submit that the petitioner has not made any representation to the second respondent, who is the competent authority to consider the grant of ordinary leave to the petitioner. The learned Additional Public Prosecutor would further submit that the petitioner can make a fresh representation to the second respondent and the second respondent will consider the same on its own merits and in accordance with law.

6. This writ petition is, therefore, disposed of with the direction to the petitioner to give a fresh representation to the second respondent seeking for ordinary leave for the petitioner's husband. The second respondent shall consider the same in accordance with Rule 20 and 22 of the Tamil Nadu Suspension of Sentence Rules, 1982 and pass necessary orders in accordance with law within a period of two weeks from the date of receipt of the representation from the petitioner. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vsg1/gsp

To

1.The Principal Secretary to
Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.

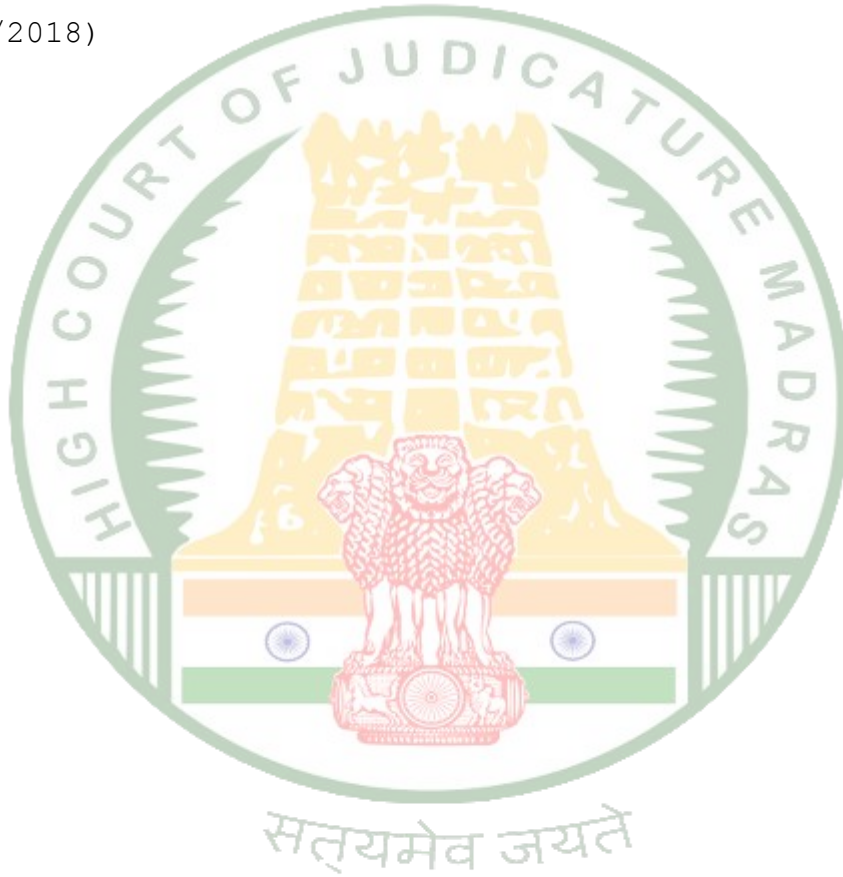
2.The Superintendent,
Cuddalore Central Prison,
Cuddalore,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.P.Prabakaran , Advocate SR.No. 79854

W.P.No.30671 of 2018

ASK(18/12/2018)



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