

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.30946 of 2019
and
W.M.P.No.31036 of 2019

R.Prema

...Petitioner

Vs.

1.The State of Tamilnadu,
Represented by its Secretary,
Home Department,
Secretariat,
Chennai - 600 009.

2.The Director General of Prisons,
Thalamuthu Natarasan Maaligai,
Egmore, Chennai.

3.The Superintendent of Prison,
Central Prison,
Cuddalore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to grant leave to the convict namely Kalaimohan (life Convict No: 13391) lodged in Central Prison, Cuddalore against the sentence for getting appropriate treatment for his disease.

For Petitioner : Mr.M.Malaviya

For Respondents: Mr.C.Iyyapparaj

Additional Public Prosecutor

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O R D E R

The petitioner seeks for grant of leave for her husband/Convict No.13391, who has been lodged in Central Prison, Cuddalore, on the ground that he is undergoing Spinal Cord ailment.

2.Today, when the matter was called, the learned Additional Public Prosecutor, on instructions, submitted that the petitioner's husband is indeed undergoing certain medical ailments, for which he has availed leave on many occasions. He would further submit that since the present request is made on the ground of illness, his request can be considered under emergency leave, which can be only for a period of 15 days as per Rule 13 of the Tamil Nadu Suspension and Sentence Rules, 1982.

3.In view of the fact that the medical illness of the petitioner's husband is not disputed and also taking note of the provisions of the Tamil Nadu Suspension and Sentence Rules, 1982, wherein Rule 22 provides for ordinary leave for a period not exceeding one month, this Court is of the view that the petitioner can be granted ordinary leave for a period of atleast three weeks.

4.In the light of the above observations, there shall be a direction to the 3rd respondent herein to grant ordinary leave to the petitioner's husband/Convict No.13391, namely Kalaimohan, who is presently lodged in Central Prison, Cuddalore, for a period of three weeks from the date of receipt of a copy of this order.

5.Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

jas/hvk

To

1.The Secretary,
Home Department,
Secretariat,
Chennai - 600 009.

2.The Director General of Prisons,
Thalamuthu Natarasan Maaligai,
Egmore, Chennai.

3.The Superintendent of Prison,
Central Prison,
Cuddalore.

4.The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.M.Malaviya , Advocate SR.No. 92388
W.P.No.30946 of 2019
and
W.M.P.No.31036 of 2019
A.SK(08/11/2019)



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