



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

W.P.(MD) No.26278 of 2019

WEB COPY

Mariya Meiyal

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by the Secretary
to Government of Tamil Nadu,
Home Department, Secretariat,
Chennai-600 009.

2.The Additional Director General of Prisons,
C.M.D.A.Towers,
Egmore, Chennai.

3.The Superintendent of Prisons,
Central Prison, Tiruchirappalli. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, to direct the respondents to grant ordinary leave for one month without escort to the detinue, petitioner's son namely, Sahaya Brunoe, S/o. Francis, aged about 45 years, life convict detained at Central Prison, Tiruchirappalli.

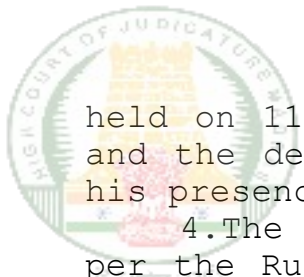
For Petitioner : Mr.S.Manokaran
For Respondents : Mrs.S.Bharathi,
Government Advocate(Crl.side)

ORDER

This writ petition has been filed seeking for a direction to the respondents to grant ordinary leave for one month without escort to the detinue, petitioner's son namely, Sahaya Brunoe, S/o. Francis, aged about 45 years, life convict detained at Central Prison, Tiruchirappalli.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondents.

3.The petitioner is the mother of the detinue, namely, Sahaya Brunoe, S/o. Francis. Leave has been sought for on the ground that the detinue's younger brother, namely, F.Savul's marriage is to be



held on 11.12.2019 at Jesus Holy Temple, Assisi Complex, Nagercoil and the detinue being the elder son and care taker of the family, his presence is necessary for the marriage.

4.The learned counsel for the petitioner would submit that as per the Rule 20(iii)(iv) of the Tamil Nadu Suspension of Sentences Rules, 1982, the detinue is entitled to get ordinary leave for participating in the marriage of his son, daughter, full blood brother or full blood sister as the case may be. The detinue has served 10 years of imprisonment without any remarks, thereby, he would seek for grant of leave for one month without escorts.

5.The learned Government Advocate (Crl. Side) appearing for the respondents would submit that the 3rd respondent has received petitioner's representation only on 29.11.2019 and he has forwarded the same to obtain remarks from the Probationary Officer and also from the Inspector of Police, Nesamani Nagar Police Station and the representation can be considered only after receipt of the report.

6.Considering the submissions of both sides and considering the fact that the marriage of the detinue's brother is fixed on 11.12.2019, this Court is inclined to direct the respondents to grant five days ordinary leave to the detinue particularly, taking into consideration that the detinue's incarceration for 10 years. Accordingly, the respondents are directed to grant ordinary leave to the petitioner's son/Sahaya Brunoe, S/o. Francis for five days subject to the usual conditions that can be imposed by the respondents. The convict shall be released from the prison today (10.12.2019) at 06.00 p.m and the convict shall return back to the prison on or before 16.12.2019 at 05.00 p.m. It is made clear that the convict shall be accompanied by minimum escorts.

7. With the above directions, the writ petition stands disposed of. No costs.

8.Post the matter 'for reporting compliance' on 17.12.2019.

9.Registry is directed to mark a copy of this order to the Superintendent of Central Prison, Trichy.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

sjj



To

1.The State of Tamil Nadu Rep by the Secretary to Government of Tamil Nadu, Home Department, Secretariat, Chennai 9.

2.The Additional Director General of Prisons, C.M.D.A.Towers, Egmore, Chennai.

3.The Superintendent of Prisons, Central Prison, Trichy
(By Fax)

+1 CC to M/s.S.MANOKARAN, Advocate (SR-21576[I] dated 10/12/2019)

W.P. (MD) No.26278 of 2019
10.12.2019

KK/SAR/10.12.2019/3P-5C/