

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2020

CORAM:

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.7536 of 2020

P. Devaki

W/o Periyannan

... Petitioner

Vs

1. The state of Tamil Nadu,
Rep. by the Principal Secretary to government
Home (Prisons) Department,
Tamil Nadu Government Chief Secretariat,
Fort St. George, Chennai-600 009.
 - 2.The Additional Director General of Police/IG of Prisons
CMDA, Towers II,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600008.
 - 3.The Deputy Inspector General of Police,
Chennai Range, Chennai.
 - 4.The Superintendent of Central Prison,
Salem
- सत्यमेव जयते...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to grant 30 days ordinary leave to the petitioner's husband T. Periyannan S/o Tirupathi aged about 40 years remanded in Central Prison, Salem, prisoner No.not known by the petitioner and he was remanded on 27.01.2020 in Cr.No.217 of 2019 u/s 379 I.P.C. registered by the Inspector of Police, Anaikat Police Station, Vellore District.

For Petitioner : Mr.D. Jagadeesan

For Respondents : Mrs. Kiruthiga Kamal
Govt. Advocate (Crl.side) for R2-R4

ORDER

This Writ Petition has been filed praying to issue a Writ of Mandamus directing the 3rd respondent to grant 30 days ordinary leave to the petitioner's husband T. Periyannan S/o Tirupathi aged about 40 years remanded in Central Prison, Salem, prisoner No. not known by the petitioner and he was remanded on 27.01.2020 in Cr.No.217 of 2019 u/s 379 I.P.C. registered by the Inspector of Police, Anaikat Police Station, Vellore District.

2. According to the Petitioner her husband was remanded to the custody on 27.01.2020 for the offence under Section 379 I.P.C and subsequently Act 14 of 1982 was invoked on 28.02.2020 and he is in custody. Therefore she seeks release him on ordinary leave of 30 days.

3. Heard the learned counsel for the Petitioner and also the learned Government Advocate (Criminal Side).

4. This Court is unable to comprehend how this Petition is maintainable. To grant ordinary leave, provisions of Tamilnadu Suspension of Sentence Rules has to be invoked. As per the provisions of the Tamilnadu Suspension of Sentence Rules, the convicted prisoners alone eligible for grant of ordinary leave and not for under trial prisoners. Therefore, grant of ordinary leave does not arise. If at all the petitioner is aggrieved by the order of detention passed under Act 14 of 1982, it is for the petitioner to file appropriate petition before the Division Bench to challenge detention order.

5. With the above observation, this writ petition is dismissed. No cost.

Sd/-

सत्यमेव जयते Assistant Registrar (CS-III)

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Sub Assistant Registrar

Ggs

To

1. The state of Tamil Nadu,
Rep. by the Principal Secretary to government
Home (Prisons) Department,
Tamil Nadu Government Chief Secretariat,
Fort St. George, Chennai-600 009.

2.The Additional Director General of Police/IG of Prisons

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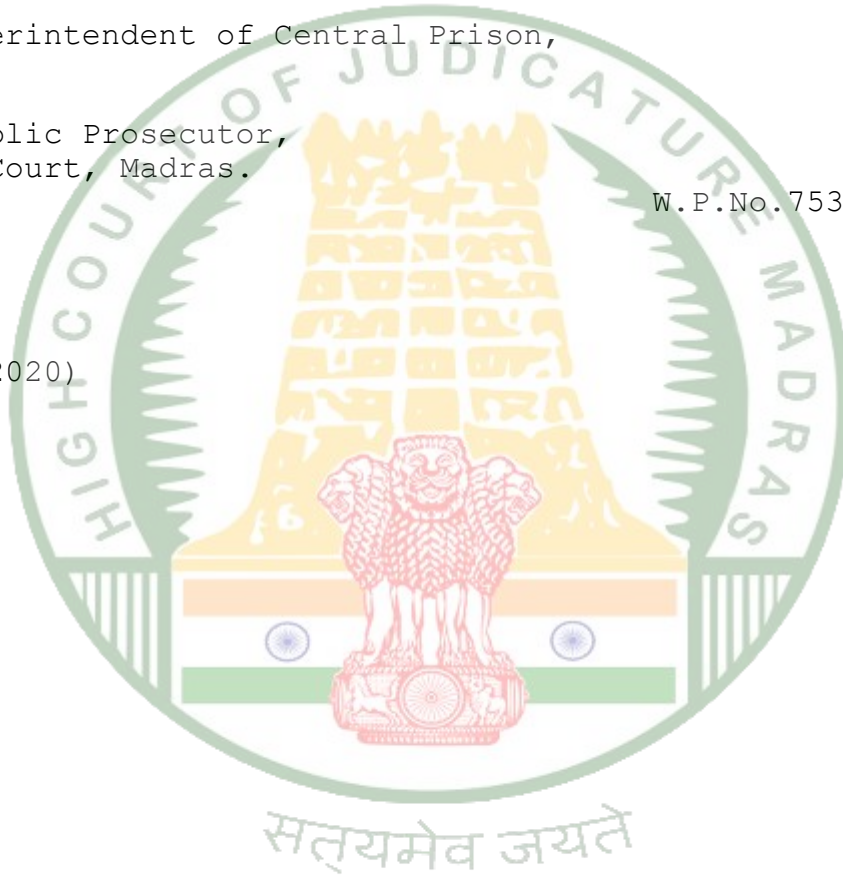
3.The Deputy Inspector General of Police,
Chennai Range, Chennai.

4.The Superintendent of Central Prison,
Salem.

5. The Public Prosecutor,
High Court, Madras.

W.P.No.7536 of 2020

RMP (CO)
GN(22/07/2020)



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