

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

H.C.P. No. 1831 of 2020

R. Mahalakshmi

..Petitioner

Vs.

1. The State represented by its  
The Secretary to Government of  
Tamil Nadu,  
Department of Home,  
Fort St. George, Chennai - 600009.

2. The Additional Director General of  
Prison,  
CMDA Towers, Egmore,  
Chennai - 600008.

3. The Superintendent,  
Central Prison, Salem.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India  
praying for issue of a Writ of Habeas Corpus directing the  
respondents to grant ordinary leave for 30 days to the  
petitioner's husband, the detenu M. Ranjith, S/o. Mani, aged  
about 31 years, a convict prisoner, bearing Convict No. 731,  
detained at Central Prison, Salem.

For Petitioner :: Dr.S. Manoharan

For Respondents:: Mr.R. Prathap Kumar,  
Addl. Public Prosecutor

WEB COPY  
O R D E R

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

The petitioner,who is the wife of the detenu, has come  
forward with the present Habeas Corpus Petition seeking a  
direction to the respondents to grant ordinary leave for 30 days  
to the convict on the ground that his presence is required to  
take care of her ill-health.

2. The Probation Officer's report does not recommend the case of the convict on two grounds namely, pendency of another criminal trial for the offence punishable under Section 302 IPC and secondly, the condition of the petitioner does not warrant the release of the convict.

3. On the second ground, we will not go into it since law does not permit for consideration of ordinary leave, even otherwise, in view of pendency of another criminal case.

4. In such view of the matter, we only direct the 3<sup>rd</sup> respondent to forward the representation of the petitioner said to have been made on 03.09.2020 to the 1<sup>st</sup> respondent for the purpose of exercising Rule 40 of Tamil Nadu Suspension of Sentence Rules, 1982, which speaks about dispensing with the Rule in a given case. The 3<sup>rd</sup> respondent shall forward the representation of the petitioner dated 03.09.2020 to the 1<sup>st</sup> respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 1<sup>st</sup> respondent shall consider and pass appropriate orders on the same, in accordance with law.

5. The Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government of  
Tamil Nadu,  
Department of Home,  
Fort St. George, Chennai - 600009.
2. The Additional Director General of  
Prison,  
CMDA Towers, Egmore,  
Chennai - 600008.
3. The Superintendent,  
Central Prison, Salem.
4. The Joint Secretary to Government,  
(Public Law & Order)  
Fort saint George, Chennai-9.

5. The Public Prosecutor,  
High Court, Madras.
6. The Section Officer,  
Criminal Section,  
High Court, Madras-104.

H.C.P. No. 1831 of 2020

RLD(CO)  
RV(21/12/2020)



WEB COPY