

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 25.01.2021
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.1024 of 2021

P.Kalaiyazhagi

.. Petitioner

Vs.

- 1.The Secretary to Government of Tamilnadu,
Home Department,
Secretariat,Fort St.George Fort,
Chennai - 9.
- 2.The Inspector General of Prisons,
CMDA Tower-II,
No.1, Gandhi Irwin Road, Egmore,
Chennai -8.
- 3.The Deputy Inspector General of Prisons,
CMDA Tower-II,
No.1, Gandhi Irwin Road, Egmore,
Chennai -8.
- 4.The Superintendent,
Central Prison, Cuddalore.
- 5.The Station House Officer,
Orathur Police Station,
Cuddalore District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to grant ordinary leave for forty days to petitioner's husband Poovazhagan son of Kaliyamoorthy, aged about 60 years, Convict No.14144, detained at Central Prison, Cuddalore based on the petitioner's representation dated 07.12.2020 to attend and arrange money for their daughter's marriage which is going to be held on 27.01.2021.

For Petitioner
For Respondents

: Mr.K.Gandhi Kumar
: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed for direction to the fourth respondent to grant emergency leave to the husband of the petitioner who is undergoing sentence at Central Prison, Cuddalore.

2.The husband of the petitioner was convicted for an offence under Section 307 r/w 34 of IPC and was sentenced to undergo seven years of rigorous imprisonment and also to pay a fine of Rs.5,000/- and in default to undergo six months rigorous imprisonment.

3.The marriage of the daughter of the convict is arranged to be held on 27.01.2021. The marriage invitation has also been filed in the typed set of papers. The petitioner who is the wife of the convict, made a representation to the fourth respondent on 07.12.2020 seeking for emergency leave in order to enable the convict to attend the wedding of his daughter. Since the same was not considered, the present petition has been filed before this Court.

4.Rule 6 of the Tamil Nadu Suspension of Sentence Rules,1982 provides for the grounds for grant of emergency leave. One of the grounds for grant of emergency leave is the wedding of the son or daughter of the convict. Therefore, the convict will be entitled to be considered for grant of emergency leave.

5.The learned Additional Public Prosecutor on instructions submitted that the application made by the petitioner has been considered by the fourth respondent and leave is granted for three days to the convict.

6.Taking into consideration the fact and circumstances of the case and the submissions made by the learned Additional Public Prosecutor, there shall be a direction to the fourth respondent to grant emergency leave to the husband of the petitioner/convict for a period of three days. The convict is directed to surrender before the fourth respondent on 30.01.2021 after the expiry of the leave.

7.This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mtl
To

1.The Secretary to Government of Tamilnadu,
Home Department,
Secretariat, St.George Fort,
Chennai - 9.

2.The Inspector General of Prisons,
CMDA Tower-II,
No.1, Gandhi Irwin Road, Egmore,
Chennai -8.

3.The Deputy Inspector General of Prisons,
CMDA Tower-II,
No.1, Gandhi Irwin Road, Egmore,
Chennai -8.

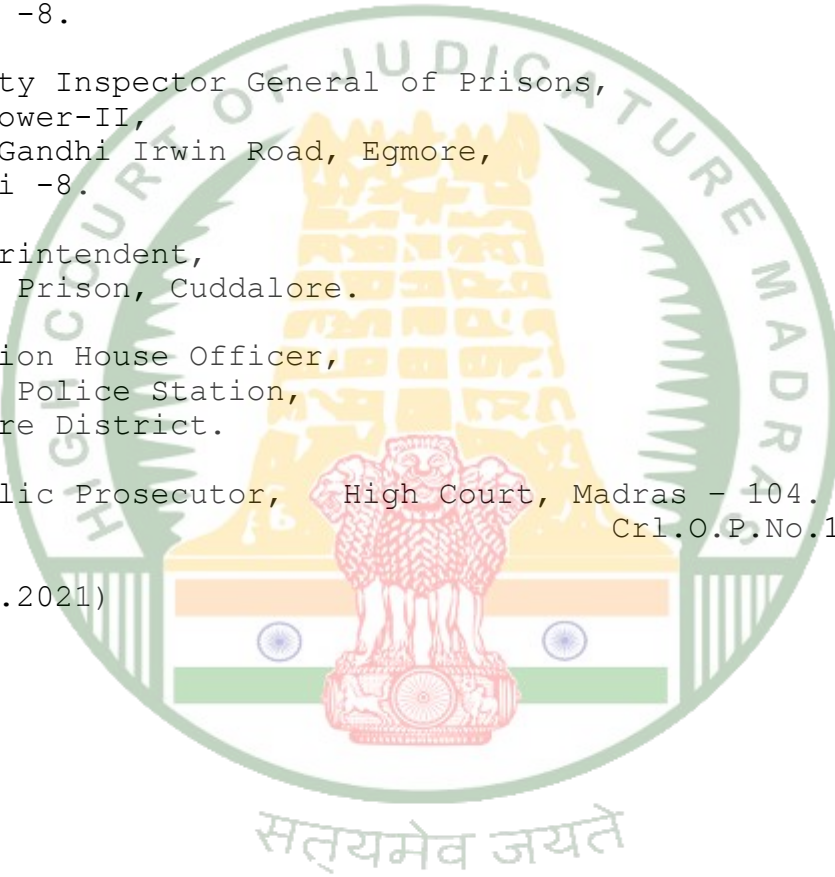
4.The Superintendent,
Central Prison, Cuddalore.

5.The Station House Officer,
Orathur Police Station,
Cuddalore District.

6. The Public Prosecutor, High Court, Madras - 104.

Crl.O.P.No.1024 of 2021

A.SK(25.01.2021)



WEB COPY