

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 02.02.2021
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.1954 of 2021

A.Amulu

..Petitioner/Wife of convict

Vs.

1. The State rep. by. Its,
Home Secretary (Prison)
Home Department, Secretariat,
Fort St. George, Chennai.
2. The Director General of Prison,
Office of the Director General of Prison,
Gandhi Irwin Road, CMDA Building, Egmore,
Chennai - 600 008.
3. The Deputy Inspector General of Prison (Chennai Range),
Office of the Range DIG,
Gandhi Irwin Road, CMDA Building, Egmore,
Chennai - 600 008.
4. The Superintendent of Prison,
Puzhal Central Prison-I,
Thiruvallur - 600 066.
5. The Chief Probation Officer,
Gandhi Irwin Road, CMDA Building, Egmore,
Chennai - 600 008.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to grant one month leave without escort to the convict namely Mr.Anandhan S/o. Venkatachala Naidu (C.T.No.3951) now confined in Puzhal-I, Central Prison in pursuance of the petitioner's representation dated on 02.01.2021.

For Petitioner

: Mr.M.Mohamed Saifulla

For Respondents

: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed seeking for grant of ordinary leave for a period of one month to the life convict who is the husband of the petitioner.

2.The petitioner has made a representation to the respondents on 02.01.2021 seeking for ordinary leave for a period of 30 days on the ground that the daughter of the life convict is getting married on 22.02.2021 and he may be permitted to attend the marriage. Since this representation was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3.The learned Additional Public Prosecutor on instructions submitted that already the life convict had sought for 30 days ordinary leave for the purpose of arranging funds for the marriage to his daughter and the same was permitted and he was granted ordinary leave from 02.12.2020 to 02.01.2021. The learned Additional Public Prosecutor submitted that in view of grant of ordinary leave for a period of 30 days, the life convict will not be entitled for any more ordinary leave and for that purpose the learned Additional Public Prosecutor relied upon Rule 22 of the Tamil Nadu Suspension of Sentence Rules, 1982.

4.It is seen from records that the marriage of the daughter of the life convict has been fixed on 22.02.2021. Under such circumstances, the life convict will be entitled to avail emergency leave under Rule 6 of the above said Rules. The maximum period of emergency leave is provided under Rule 13 of the Rules. When this Rule was brought to the notice of the learned Additional Public Prosecutor, it was submitted that the 4th respondent will grant emergency leave to the life convict for a period of six days and a fresh application can be made by the petitioner by pointing out the exact number of days which the life convict wants to avail as emergency leave.

5.The learned counsel for the petitioner submitted that the reception of the daughter of the petitioner is fixed on 21.02.2021 and the marriage is fixed on 22.02.2021. Therefore, direction can be given to the 4th respondent to consider granting emergency leave from 19.02.2021.

6.Considering the submissions made on either side, there shall be a direction to the petitioner to make an application seeking for emergency leave from 19.02.2021. The 4th respondent on receipt of the application shall grant emergency leave for a period of six clear days starting from 20.02.2021 up to

25.02.2021 and the convict can be directed to surrender before the 4th respondent on 26.02.2021. It is left open to the 4th respondent to impose any conditions for the grant for emergency leave to the life convict.

7.This writ petition is disposed of with the above directions. No Costs.

Sd/-
Asst.Registrar

/true copy/
Sub Asst. Registrar

ssr

To

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6. The Public Prosecutor,
High Court, Madras.

W.P.No.1954 of 2021

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