

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3140 of 2021

Valarmathi

... Petitioner

Vs.

1. The State Represented by its
The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George, Chennai 600 009.
2. The Deputy Inspector General of Police,
Coimbatore Zone (Central Prison),
Coimbatore.
3. The Superintendent, Central Prison,
Coimbatore

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the respondents to grant ordinary leave for 30 days without escort to the detinue, Devarajan S/o.Chengoda Gowndar aged about 50 years, convict No.7086 detained at Central Prison, Coimbatore.

For Petitioner : Dr.S.Manoharan

For Respondents :Mr.M.Mohammed Riyaz
Additional Public Prosecutor
for R1 to R3

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the respondents to consider the representation made by the petitioner on 13.01.2021, wherein the petitioner had sought for ordinary leave for her husband, who is a life convict undergoing sentence at Central Prison, Coimbatore.

2. The learned Additional Public Prosecutor appearing on behalf of the respondents on instructions submitted that the representation made by the petitioner seeking for

ordinary leave for her husband came to be rejected by the 3rd respondent by proceedings dated 18.01.2021 on the ground that the life convict had already availed ordinary leave from 01.08.2019 to 01.09.2019 and in view of the bar under Rule 22(3) of the Tamil Nadu Suspension of Sentence Rules, 1982, (herein after called as the Rules) the life convict will not be entitled for release on ordinary leave. The learned Additional Public Prosecutor further submitted that the life convict has already availed three days emergency leave during this year.

3.The learned counsel for the petitioner submitted that the marriage of the daughter of the life convict is fixed on 24.02.2021 and even if the convict is not entitled for an ordinary leave, the request made by the petitioner should have been considered atleast for emergency leave, since the life convict is entitled for the same under Rule 6 of the Rules. The learned counsel therefore submitted that the 3rd respondent must be directed to consider the representation to grant emergency leave to the life convict to attend to the marriage of his daughter.

4. This Court has carefully considered the submissions made on either side and also the materials available on record.

5. As rightly contended by the learned counsel for the petitioner, the life convict will be entitled for emergency leave under Rule 6 of the Rules in view of the marriage of his daughter, which is scheduled to be held on 24.02.2021. The maximum period for which the emergency leave can be availed is provided under Rule 13 of the Rules. The petitioner has already availed three days emergency leave this year. Therefore, the petitioner will be entitled to avail the balance 12 days towards emergency leave.

6.Considering the importance of the function viz., the marriage of the daughter of the life convict, this Court is inclined to direct the 3rd respondent to grant 10 days emergency leave to the life convict. Since the life convict is going to conduct the marriage of his daughter, the leave shall be granted without escort.

7.The petitioner is directed to make a fresh representation to the 3rd respondent along with a copy of this order by indicating the dates during which the life convict is going to avail the emergency leave. The representation shall be considered by the 3rd respondent and 10 clear days of emergency leave shall be granted to the life convict by not counting the date of release and the date of surrender by the life convict. It is left open to the 3rd respondent to impose any reasonable conditions.

8.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

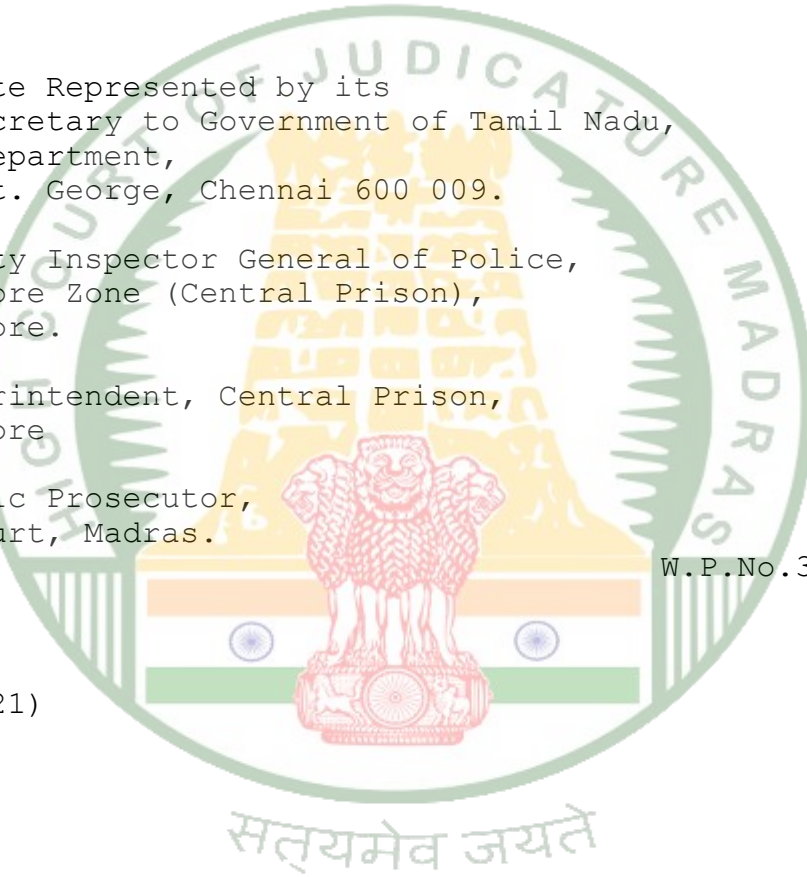
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To

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2. The Deputy Inspector General of Police,
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Coimbatore.
3. The Superintendent, Central Prison,
Coimbatore
4. The Public Prosecutor,
High Court, Madras.

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SR II(CO)
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