

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

WP No. 2528 of 2021

Manjula

...Petitioner

vs.

1. State by.

The DIG of Prisons,
Vellore Range,
Vellore -2.

2. The Superintendent of Prison,
Central Prison,
Cuddalore 4.

3. The Inspector of Police,
Sivaganagai Town Police Station,
Sivaganagai District.
(Crime No.635 of 1998)

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.01.2021 and release the petitioner's husband namely G.shankar, S/o.Gandhidoss, aged 46 years, CT. No.14824, convict prisoner, Central Prison, Cuddalore on ordinary leave for 15 days for the purpose of the petitioner's father 60th day death ceremony ritual to be held on 12.02.2021.

For Petitioner : Ms.S.Nadhiya
for Mr.P.Pugalenth

For Respondents : Mr.M.Mohamad Riyaz
Additional Public Prosecutor

WEB COPY
O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 25.01.2021, wherein the petitioner is seeking for grant of leave to her husband, who is a life convict, to attend the death ceremony of his father to be held on 12.02.2021.

2. It is seen from records that the husband of the petitioner was convicted and sentenced to under go life imprisonment and it is stated that he has already undergone imprisonment for more than 10 years. The father of the convict passed away during the month of December 2020 and the 60th day death ceremony is going to be conducted on 12.02.2021. Therefore, the representation was made by the petitioner on 25.01.2021 seeking for leave. Since the same was not considered, the present petition has been filed before this Court.

3. Heard Ms.S.Nadhiya, learned counsel appearing for Mr.P.Pugalenth, for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor, appearing for the respondents.

4. Taking into consideration the facts and circumstances of the case, the convict shall be entitled for an emergency leave to attend to the death ceremony of his father to be held on 12.02.2021. It is seen that the convict had consistently complied with the conditions whenever he was granted leave and also surrendered on time. As per Rule 30 of the Tamil Nadu Suspension of Sentence Rules, 1982, a convict is entitled for emergency leave for a maximum period of 15 days in a year spread over four spells, subject to the maximum of six days in any one spell.

5. The life convict in this case wants to attend the death ceremony of his father. It will be therefore appropriate to grant six days emergency leave to the life convict. The second respondent can release the life convict on emergency leave on 11.02.2021. The life convict can be directed to surrender before the third respondent on 18.02.2021. It is left open to the second respondent to impose any reasonable conditions as may be necessary. The petitioner is directed to make a fresh representation to the second respondent along with a copy of this order.

6. The Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy//

Sub Assistant Registrar

jv

To

1.The DIG of Prisons,
Vellore Range,
Vellore -2.

2.The Superintendent of Prison,
Central Prison,
Cuddalore 4.

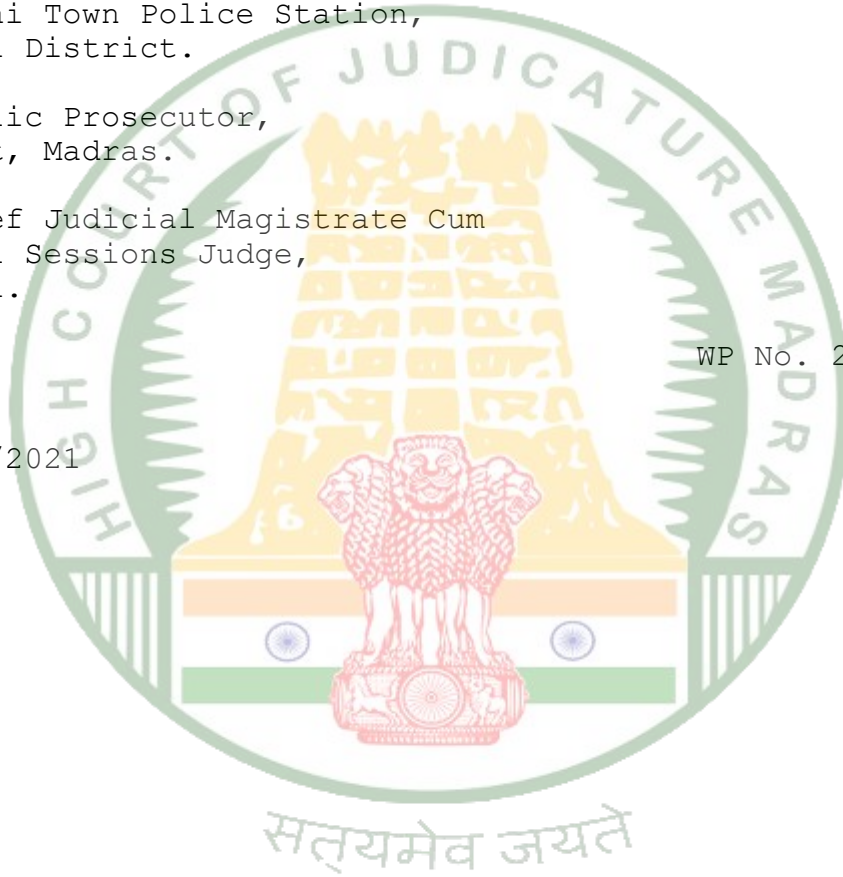
3.The Inspector of Police,
Sivaganagai Town Police Station,
Sivagangai District.

4.The Public Prosecutor,
High Court, Madras.

5.The Chief Judicial Magistrate Cum
Additional Sessions Judge,
Sivagangai.

WP No. 2528 of 2021

NRJK (CO)
KKV/09/02/2021



WEB COPY