

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.02.2021
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

WP No. 3920 of 2021

K.Selvaraj ... Petitioner/convict
vs.

1. The State Rep by its,
Home Secretary (Prison)
Home Department, Fort St. George,
Chennai.
 2. The Director General of Prison,
No.2, Gandhi Irwin Road, CMDA Building,
Egmore, Chennai 600 008.
 3. The Deputy Inspector General of Prison
(Coimbatore Range)
Office of the Range DIG,
Gandhipuram, Coimbatore 641 012.
 4. The Superintendent of Prison,
Coimbatore Central Prison,
Gandhipuram, Coimbatore.
- ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant one month ordinary leave without escort to the petitioner namely Selvaraj S/o.Kavudappan, life convict prisoner, confined at Central Prison, Coimbatore in order to making arrangement of funds and perform the puberty function of his daughter.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

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O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to grant one month ordinary leave without Escort to the petitioner, who is a life convict prisoner, confined at Central Prison, Coimbatore, in order to enable him to arrange for funds and perform the puberty function of his daughter.

2. Heard Mr.M.Mohamed Saifulla. learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor on instructions submitted that the application made by the petitioner is under active consideration and it will take some time to pass orders on the ordinary leave sought for by the petitioner.

4. The learned counsel for the petitioner submitted that the puberty function of his daughter is fixed on 24.02.2021 and he has to be present during this important function.

5. It is seen from the records that two representations have been made by the petitioner. One representation is dated 03.02.2021 seeking for emergency leave on the ground that his wife is suffering from serious illness. The other representation dated 28.01.2021 has been made seeking for ordinary leave on the ground that the petitioner has to arrange for funds and conduct the puberty function of his daughter. The second representation seeking for ordinary leave is now under consideration.

6. In the considered view of this Court, the petitioner will be entitled for an emergency leave, since he satisfies the requirements under the Tamil Nadu Suspension of Sentence Rules, 1982. Accordingly, there shall a direction to the fourth respondent to grant 3 days emergency leave to the petitioner without Escort. The petitioner shall be released from the prison tomorrow, i.e. 23.02.2021. The emergency leave for 3 clear days will be granted from 24.02.2021 to 26.02.2021. In the meantime, the application given by the petitioner seeking for ordinary leave shall be processed and orders shall be passed and the ordinary leave that is granted to the petitioner shall be given effect from 27.02.2021. It is left open to the fourth respondent to impose any reasonable conditions as may be necessary. It is also made clear that the petitioner will comply with the conditions imposed by the fourth respondent and also will surrender before the fourth respondent on the day when the leave period expires.

7. This Writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Home Secretary (Prison)
Home Department, Fort St. George,
Chennai.
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Office of the Range DIG,
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4. The Superintendent of Prison,
Coimbatore Central Prison,
Gandhipuram, Coimbatore.
5. The Public Prosecutor,
High Court of Madras, Chennai.

AKM/24.02.21/3P-6C/

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