



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.06.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.7276 of 2021

Kalaivani,
W/o.Suresh

... Petitioner

versus

State Rep. By:-

1.The Secretary of Government,
Department of Home,
Fort St.George, Chennai - 600 009.

2.The Additional Director General of Police,
Egmore, Chennai - 600 008.

3.The Superintendent of Prison,
Central Prison, Puzhal - I,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the third respondent herein to grant leave to the petitioner's husband, the detenu T.Suresh, S/o.Thirunavukkarasu, 35 years (C.P.No.6380), confined in Central Prison, Puzhal-I, Chennai, as Life Convict for a period of two months on the ground of stating that the mother of the detenu's health condition is precarious pursuant to the representation to the respondents on 11.01.2021.

For Petitioner : Mr.C.V.Kumar

For Respondents : Mr.R.Muniyapparaj
Government Advocate [Crl. Side]

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

This petition has been filed seeking a direction to the third respondent to grant leave to the petitioner's husband viz. T.Suresh (C.P.No.6380), who is detained in Central Prison, Puzhal-I, Chennai.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Crl. Side] appearing for the respondents.



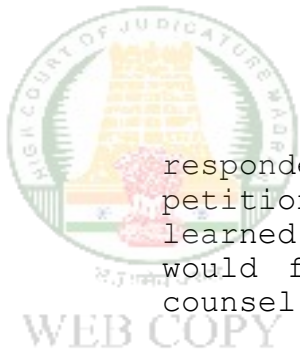
3. It is the case of the petitioner that her husband viz. T.Suresh, is a Life Convict Prisoner (C.P.No.6380) and is undergoing sentence in Central Prison, Puzhal-I, Chennai. On behalf of the said Life Convict Prisoner, a leave application was submitted on 28.09.2020 and this Court in H.C.P.No.2016 of 2020, by order dated 04.11.2020, directed the respondents to consider the petitioner's application, on merits and pass appropriate orders, within a period of two weeks.

4. While so, the petitioner has filed the present Habeas Corpus Petition for the same relief of leave under the Tamil Nadu Suspension of Sentence Rules, 1982 on the premise that the authorities have not disposed of her earlier representation of leave dated 28.09.2020.

5. Today, when the matter was taken up for hearing, the learned Government Advocate [Crl. Side], filed the counter affidavit of the third respondent, wherein in paragraph no.5, it is stated as follows;

"5. With regard to the averments made in paras 5-10 of the affidavit, it is submitted that the petitioner's allegations is denied as false. It is submitted that in compliance to the orders of the Hon'ble High Court of Madras, the petitioner's representation was given due consideration as per the guidelines given in Tamil Nadu Suspension of Sentence Rules 1982. It is submitted that as per Rule No.24 of Tamil Nadu Suspension of Sentence Rules, 1982, report was called for from the concerned Probation Officer. The Probation Officer in his report had submitted that the health condition of the said prisoner's mother is normal, and hence has not recommended for granting leave for the said prisoner. Subsequently, in compliance to the above orders of the Hon'ble High Court of Madras, a proposal was submitted to the Deputy Inspector General of Prisons, Chennai Range vide this office letter No.6380/R1/2020 dt.22.01.2021. Subsequently, the Deputy Inspector General of Prisons, Chennai Range, has rejected the leave request of the said prisoner, and had communicated the same to the petition vide letter No.1404/CA/2020 dt.11.02.2021. Under these circumstances, the petitioner's allegation that the 2nd and 3rd respondent had refused to pass any orders in pursuant to the orders passed by this Hon'ble Court is denied as false, malicious and against facts."

6. On a reading of paragraph no.5, it appears that the authorities have rejected the petitioner's representation dated 28.09.2020, on merits. However, the learned counsel for the petitioner stated that the rejection order has not been served on the petitioner. Therefore, we direct the third



respondent to send a copy of the rejection order to the petitioner and to the life convict prisoner in prison. The learned Government Advocate [Crl. Side] also stated that he would forward the rejection order by e-mail to the learned counsel for the petitioner also.

7. In view of the above, this Writ Petition is closed, with liberty to the petitioner to challenge the rejection order in accordance with law, if so advised. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

State Rep. By:-

- 1.The Secretary of Government,
Department of Home,
Fort St.George,
Chennai - 600 009.
- 2.The Additional Director General of Police,
Egmore, Chennai - 600 008.
- 3.The Superintendent of Prison,
Central Prison, Puzhal - I,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

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PCH(CO)
B.VC(23.07.2021)