

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 26.05.2021

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.12119 of 2021

V.Annalakshmi

...Petitioner

versus

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Director General of Police & I.G. of Prisons,
Gandhi Irwin Road,
Egmore,
Chennai 600 008.
3. The Superintendent of Prison,
Central Prison,
Vellore-2.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 21.05.2021 and release the petitioner's son Mr.V.Karthik, S/o.Vijayan, Convict Prisoner, Central Prison, Vellore on ordinary leave for 10 days.

For Petitioner
For Respondents

सत्यमेव जयते
: Mr.P.Pugalenth
: Mr.R.Muniyapparaj,
Additional Public Prosecutor

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O R D E R

(Order of this Court was delivered by Dr.G.JAYACHANDRAN,J.)

This petition is filed seeking a direction to the respondents to consider the petitioner's representation dated 21.05.2021 and to release the detenu/petitioner's son Mr.V.Karthik, S/o.Vijayan, Convict Prisoner, Central Prison, Vellore on ordinary leave for 10 days.

2.It is seen from records that the father of the detenu died on 18.05.2021. Since the body was directly cremated, the detenu could not attend the funeral. This petition is filed seeking ordinary leave for 10 days to attend the 14th day ceremony scheduled on 03.06.2021.

3.Learned Additional Public Prosecutor appearing for the respondents submitted that Rule 22 of the Tamil Nadu Prison Manual does not provides for granting leave for a convict, who has been in prison for less than 3 years.

4.This Court finds that the representation of the petitioner dated 21.05.2021 to release the detenu on ordinary leave to attend the 14th day ceremony of his father may not be legally permissible. However, since he was able to attend the funeral for completing the obsequies ceremony scheduled on 03.06.2021, the respondents may consider grant of leave for 2 days based on the representation dated 21.05.2021 and pass appropriate orders on or before 01.06.2021.

5.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Director General of Police & I.G. of Prisons,
Gandhi Irwin Road,
Egmore,
Chennai 600 008.
3. The Superintendent of Prison,
Central Prison,
Vellore-2.
4. The Public Prosecutor,
High Court, Madras.

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KKV/31/05/2021