

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

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

W.P.No.12614 of 2021

Unnamalai,

...Petitioner

versus

1. The State of Tamil Nadu,
Represented by its Secretary,
Home Department,
Fort St.George, Chennai - 600 009.

2. The Addl. Director General of Prisons,
Egmore, Chennai - 600 008.

3. The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the first respondent to consider the representation of the petitioner dated 08.06.2021 by granting one month ordinary leave to the petitioner's husband Govindaraj, son of Karia Gounder, aged 45 years, C.No.1212, Life Convict, now confined in Central Prison, Vellore.

For Petitioner : Mr.R.Sankarasubbu

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.]

It is the case of the petitioner that her husband Govindaraj, son of Karia Gounder, is a Life Convict Prisoner (C.T.No.1212) and is confined in Central Prison, Vellore. It is her further case that her son Vaitheeswaran's wedding has been fixed for solemnising on 23.06.2021 In this connection, an application for ordinary leave was made on behalf of the prisoner and thereafter, the present Writ Petition has been filed seeking the said relief.

2. The Superintendent of Prison, Central Prison, Vellore (3rd respondent) has filed a detailed counter, wherein she has stated that "prisoners sentenced under Sections 392 to 402 of Indian Penal Code are not eligible for ordinary leave". In this case, the convict prisoner has been convicted and sentenced for the offences under Sections 449, 396 and 395 of IPC and therefore, he will not be entitled to ordinary leave. However, in the counter affidavit, Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982, has been extracted, a reading of it shows that emergency leave can be granted to a convict prisoner for certain reasons, which includes wedding of son / daughter.

3. Mr.R.Muniyapparaj, learned Government Advocate [Crl. Side], did not dispute the fact that the convict prisoner's son is getting married on 23.06.2021.

4. In such view of the matter, we direct the respondents to obtain a fresh application from the convict prisoner for emergency leave and consider granting him emergency leave with escort to attend his son's marriage on 23.06.2021, provided he is entitled to. In the event of granting emergency leave with escort, he shall not be charged for the same.

5. With the above direction, this Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sri

To

1.The Secretary,
State of Tamil Nadu,
Home Department,
Fort St.George, Chennai - 600 009.

2.The Addl. Director General of Prisons,
Egmore, Chennai - 600 008.

3.The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.

4.The Public Prosecutor,
High Court, Madras.

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MG (CO)
SP (21/06/2021)



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