



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.NO.17354 OF 2021

Chithra Ramachandran

... Petitioner

.Vs.

1. The State of Tamil Nadu represented by
Additional Chief Secretary to Government,
Department of Home, Prohibition and Excise,
Fort St.George, Chennai,
Tamil Nadu - 600 009.

2. The State of Tamil Nadu represented by
Deputy Inspector General of Prisons,
Coimbatore Range, Gandhipuram,
Coimbatore, Tamil Nadu.

3. The State of Tamil Nadu represented by
Additional Superintendent of Prisons,
Office of the Superintendent of Prisons,
Central Prison, Gandhipuram,
Coimbatore, Tamil Nadu.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the third respondent to grant parole to the detenu and convict Ramachandran Kalirathinam (Prisoner No.12082), leave for a period of four (4) weeks' time.

For Petitioner : Mr.S.M.Raghuram

For Respondents : Mr.R.Muniyapparaj
Government Advocate (Crl.Side)



ORDER

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

WEB COPY

Seeking ordinary leave of one month for the convict prisoner Ramachandran Kalirathinam (C.T.No.12082), confined in the Central Prison, Coimbatore, the petitioner has filed a representation dated 01.07.2021 and thereafter, filed the present writ petition for a mandamus to the authorities to consider the said representation.

2. Today, when the matter was taken up for hearing, the learned Government Advocate (Crl.Side) submitted that the representation dated 01.07.2021 was considered by the authorities and the same was rejected by order dated 06.07.2021 on the ground that the said convict prisoner would not be entitled to ordinary leave under Rule 22 (1) of the Tamil Nadu Suspension of Sentence Rules, 1982 (for brevity "the TNSS Rules"), as he has not completed three years of actual imprisonment. A copy of the order dated 06.07.2021 has been served on the writ petitioner as well on the convict prisoner.

3. It is seen that the revision petition filed by the convict prisoner in Crl.R.C.No.87 of 2011 was dismissed by this Court only on 09.09.2019, after which, the convict prisoner has been lodged in the prison for undergoing the substantive sentence of imprisonment.

4. Thus, we find that, on facts, the convict prisoner has not completed the mandatory three years period of actual sentence as required under Rule 22(1) of the TNSS Rules for grant of ordinary leave.

Hence, this writ petition stands dismissed. However, it is open to the petitioner to apply for emergency leave on the grounds set out under the TNSS Rules. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Additional Chief Secretary to Government,
Department of Home, Prohibition and Excise,
Fort St.George, Chennai,
Tamil Nadu - 600 009.

2. The Deputy Inspector General of Prisons,
Coimbatore Range, Gandhipuram,
Coimbatore, Tamil Nadu.

3. The Additional Superintendent of Prisons,
Office of the Superintendent of Prisons,
Central Prison, Gandhipuram,
Coimbatore, Tamil Nadu.

4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.S.M.Raghuram, Advocate, S.R.No.44352

W.P.NO.17354 OF 2021

PL (CO)
PBS/22/09/2021