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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.09.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.19819 of 2021

A.Devi

.. Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government
Home, Prohibition & Excise Department
Fort St. George, Chennai-9

2.The Director General of Prison &
Inspector General of Prison
Whannels Road
Egmore, Chennai-8

3.The Superintendent of Prison
Central Prison
Coimbatore

4.The Inspector of Police
M-3 Puzhal Police Station
Chennai

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to grant emergency leave for a period of four weeks to the petitioner's husband viz., Anbu, S/o.Rajendran, male, aged about 40 years, detained under the judgment dated 26.06.2019, passed in S.C.No.49 of 2014, by the Principal Sessions Judge, Tiruvallur, presently lodged in Central Prison, Coimbatore.



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For Petitioner : Mr.E.Udayachander
For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

O R D E R

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

An application dated 31.07.2021, seeking emergency leave for four weeks under the Tamil Nadu Suspension of Sentence Rules, 1982, for Anbu, S/o.Rajendran, (CT.No.23124) was submitted and thereafter, there being no response, the present writ of mandamus has been filed with the above prayer.

2. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the petitioner's leave application was considered and rejected by the Superintendent, Central Prison, Coimbatore, by order dated 04.08.2021, on the ground that the said Anbu, is an accused in S.C.No.121 of 2017, which is pending on the file of the Assistant Sessions Court, Ponneri, in Manali P.S.Crime No.39 of 2011. However, the learned Additional Public Prosecutor submitted that though the petitioner may not be entitled to ordinary leave, he may be entitled to emergency leave under Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982.

Recording the aforesaid submission of the learned Additional Public Prosecutor, this writ petition is closed, with liberty to the petitioner to approach the prison authorities seeking emergency leave under Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George, Chennai-9.



2.The Director General of Prison &
Inspector General of Prison,
Whannels Road,
Egmore, Chennai-8.

3.The Superintendent of Prison,
Central Prison,
Coimbatore.

4.The Inspector of Police,
M-3 Puzhal Police Station,
Chennai.

5.The Public Prosecutor,
High Court, Madras.

6.The Assistant Sessions Court,
Ponneri.

W.P.No.19819 of 2021

RSV (CO)
PR (12/10/2021)