



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.11.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

W.P.No.23594 of 2021

Saraswathi

...Petitioner

Vs.

- 1.The Government of Tamil Nadu
Rep. by its Secretary to Government
Home (Prison IV) Department
Fort St. George, Chennai-9
- 2.The Additional Director General of Prisons
Thalamuthu Natarajan Maaligai
2nd Floor, Gandhi Irwin Road
Egmore, Chennai-8
- 3.The Superintendent of Central Prison
Central Prison-Puzhal
Chennai-66
- 4.The Inspector of Police
Annadhanapatti Police Station
Salem District
(Cr.No.112 of 2009)

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondents herein to grant leave for 30 days without escort to the petitioner's husband Radha @ Radhakrishnan, S/o.P.Duraisamy, aged about 40 years, life convict No.631, detained at Central Prison, Salem and consequently consider the petitioner's representation dated 07.09.2021.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



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 respondents to consider the petitioner's representation dated 07.09.2021 and grant leave for 30 days without escort to the petitioner's husband Radha @ Radhakrishnan, S/o.P.Duraisamy, aged about 40 years, life convict No.631, detained in the Central Prison, Salem.

2. The petitioner's husband Radha @ Radhakrishnan is a life convict (CT No.631) and is presently lodged in the Central Prison, Salem, where he is undergoing sentence that has been imposed upon him in S.C.No.206 of 2014, as confirmed by this Court in Crl.A.No.635 of 2015.

3. Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor brought to the notice of this Court that after the submission of the representation dated 07.09.2021, seeking consideration of which, this writ petition has been filed, the petitioner has submitted another representation dated 13.11.2021, seeking ordinary leave under the Tamil Nadu Suspension of Sentence Rules, 1982 for Radha @ Radhakrishnan, which has been rejected by the Superintendent of Central Prison, Salem, on 15.11.2021, on the ground that Radha @ Radhakrishnan is an undertrial prisoner in two other cases, viz., S.C.No.58 of 2013 on the file of the II Additional District and Sessions Court, Salem, for the offences under Sections 148, 302 read with 149, 324 read with 149 IPC and C.C.No.183 of 2016 on the file of the Judicial Magistrate Court, Senthamangalam, for the offences under Section 25(1-B) of the Arms Act, 1959.

4. Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982, reads as under :

"35. Pending cases - No prisoner on whom a case is pending trial shall be granted leave."

Inasmuch as the petitioner's subsequent representation dated 13.11.2021 has been considered and orders passed, the relief sought in this writ petition cannot be granted and accordingly, this writ petition is closed. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

gya



To

1. The Secretary to Government
Home (Prison IV) Department
Fort St. George, Chennai-9

2. The Additional Director General of Prisons
Thalamuthu Natarajan Maaligai
2nd Floor, Gandhi Irwin Road
Egmore, Chennai-8

3. The Superintendent of Central Prison
Central Prison-Puzhal
Chennai-66

4. The Inspector of Police
Annadhanapatti Police Station
Salem District

5. The Public Prosecutor
High Court, Madras.

Copy To

The Superintendent of Central Prison,
Salem.

+1cc to Mr. W. Camyles Gandhi, Advocate SR.No.58929

W.P.No.23594 of 2021

PL(CO)
RVM(03/12/2021)