



WEB COPY

W.P(MD)No.4508 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P (MD)No.4508 of 2021

S.Syed Ali Fathima

:Petitioner/Wife of the detenu

.vs.

The State represented by its

1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort St., George,
Chennai-600 009.

2.The Deputy Inspector General of Prison,
Madurai-625 016.

3.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.

4.The Inspector of Police,
Uraiyur Police Station,
Trichy.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant leave without escort for 30 days to the petitioner's husband, the detenu, ShiekSindhamadhaar, S/o.Pulavarmydeen, aged about 41 years, Convict No.7370 detained at Central Prison, Palayamkottai.

For Petitioner :Mr.R.Narayanan

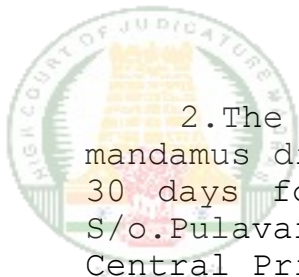
For Respondents :Mr.R.Anandharaj

Additional Public Prosecutor

O R D E R

[Order of the Court was made by **K.KALYANASUNDARAM.,J.**]

By consent of both parties, this writ petition is taken up for final disposal.



2.The prayer in the writ petition for issuance of writ of mandamus directing the respondents to grant leave without escort for 30 days for the petitioner's husband, namely, ShiekSindhamadhaar, S/o.Pulavarmydeen, aged about 41 years, Convict No.7370 detained at Central Prison, Palayamkottai.

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3. The petitioner would state that her husband ShiekSindhamadhaar, was an accused in S.C.No.140 of 2000, on the file of the I Additional Sessions Judge, FTC No.1, Trichy and he was convicted for commission of murder.

4. Mr.R.Narayanan, learned counsel appearing for the petitioner would argue that the appeal preferred against the said conviction was dismissed and he is undergoing sentence. The convict's mother is a senior citizen, aged about 80 years and now, she is suffering from various ailments and she wanted to see her son. It is contended that the convict is eligible for ordinary leave under Rule 20 of Tamilnadu Suspension of Sentence Rule and hence, a representation was given on 02.12.2020, but it was not considered by the respondents.

5. Mr.R.Anandharaj, learned Additional Public Prosecutor, appearing for the respondents, on instructions, would state that no such representation was received by the respondents and if any representation is given, the second respondent is ready to consider the same.

6. In the light of the submissions made by the learned counsel, we hereby direct the petitioner to give a fresh representation to the respondents by enclosing a copy of this order. On receipt of the representation, the second respondent shall consider the same and pass orders, purely on merits and in accordance with law, within a period of four weeks there from.

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

am

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the

responsibility of the advocate / litigant concerned.



To

1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort St., George,
Chennai-600 009.

2.The Deputy Inspector General of Prison,
Madurai-625 016.

3.The Superintendent,
Central Prison, Palayamkottai,
Tirunelveli.

4.The Inspector of Police,
Uraiyur Police Station,
Trichy.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Narayanan, Advocate Sr.No.9270

ORDER MADE IN
W.P (MD) No. 4508 of 2021

04.03.2021

NR (16.03.2021) 3P:7C