



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Writ Petition No.1524 of 2022

Revathi
W/o.Punniyaselvan

.. Petitioner

Vs.

1. The Deputy Inspector General of Police,
C.M.D.A Towers, Egmore,
Chennai - 600 008.

2. The Superintendent,
Central Prison,
Trichy - 620 020.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned order in ஸ்ரீ.ஸ்ரீ.எண்/16564/த.கு/4-2021 dated 26.10.2021 and quash the same and consequently, direct the second respondent to grant ordinary leave for thirty days (without escort) to the convict R.Velmurugan s/o.(late) Rajendiran @ Panner, Convict No.21771, aged about 24 years, being incarcerated at Central Prison, Trichy, for settling family dispute by partition of property.

For Petitioner	:	Mr.K.Murugesan
For Respondents	:	Mr.R.Muniyapparaj Additional Public Prosecutor

ORDER

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

Seeking ordinary leave for the convict prisoner R.Velmurugan s/o.(late) Rajendiran @ Panner [CT No.21771], the petitioner gave a representation under the Tamil Nadu Suspension of Sentence Rules, 1982, which has been rejected by the authorities by the impugned order dated 26.10.2021, challenging which, the present petition has been filed.



2. Heard Mr.K.Murugesan, learned counsel appearing for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor, appearing for the State.

3. Learned Additional Public Prosecutor brought to the notice of this Court that the convict prisoner's regular appeal in C.A.No.838 of 2016 is pending, in which, the convict prisoner has filed a petition u/s.389(1) Cr.P.C. in Crl.M.P.No.13037 of 2016 for suspension of sentence and bail.

4. In view of the above, we are of the opinion that the convict prisoner would not be entitled to leave under the Tamil Nadu Suspension of Sentence Rules, 1982, in the light of the authoritative pronouncement of the Constitution Bench of the Supreme Court in K.M.Nanavati vs. State of Bombay¹ and also in the light of the term 'sentence' in Rule 2 of the Tamil Nadu Suspension of Sentence and Rules, 1982.

For the aforesaid reasons, this Writ Petition is closed with liberty to the petitioner to take steps for bringing up the petition for suspension of sentence and bail before the learned Judge concerned. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm
To

1. The Deputy Inspector General of Police,
C.M.D.A Towers, Egmore,
Chennai - 600 008.

2. The Superintendent,
Central Prison, Trichy - 620 020.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Murugesan, Advocate, S.R.No.11684

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GPL[co]
NSK 15/03/2022

1 AIR 1961 SC 112