



WEB COPY



WP.No.32683 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20..12..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **N.ANAND VENKATESH**

Writ Petition No.32683 of 2022

Mrs.P.Shanthi

..... Petitioner

-Versus-

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Prison IV) Department,
Fort St.George,
Chennai – 600 009.
2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
II Floor, Gandhi Irwin Road,
Egmore,
Chennai – 600 008.
3. The Superintendent of Prisons,
Central Prison-I (Convict),
Puzhal,
Chennai – 600 006.

.... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to grant leave without escort for two months to her brother/detenuue namely S.Saravanan, Son of Subramani is convict Prisoner at Central Prison-I, Puzhal, Chennai – 600 066 on the basis of her representation dated 09.11.2022.

For Petitioner : Mr.R.Arunkumar

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

[Order of the Court was made by N.ANAND VENKATESH.J.,]

This writ petition has been filed seeking for issuance of a writ of mandamus directing the respondents to grant ordinary leave to the detenu for a period of two months based on the representation made by the petitioner on 09.11.2022.

2. The petitioner is the sister of the convict prisoner viz., Saravanan (CT No.6960), who is undergoing imprisonment in Central Prison, Puzhal, Chennai. The convict prisoner was sentenced to undergo ten years of rigorous imprisonment in S.C.No.306 of 2013 by the learned VII Additional



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Sessions Judge, Chennai, by judgement dated 05.03.2018. The appeal filed in CrI.A.No.187 of 2018 was also dismissed by this court by judgement and order dated 25.07.2022. Thus, the conviction and sentence imposed by the trial court has become final.

3. The petitioner made a representation dated 09.11.2022 seeking for ordinary leave for two months. Since the same was not considered, the present writ petition was filed before this court seeking for appropriate directions.

4. During the pendency of this writ petition, the representation made by the petitioner on 09.11.2022 came to be rejected by the 3rd respondent by his proceedings dated 05.12.2022 on the ground that the convict prisoner is not entitled to ordinary leave for 60 days as prayed for by him and he is entitled to ordinary leave only for 21 days and the petitioner was permitted to make a fresh representation seeking ordinary leave for 21 days.

5. Heard Mr.R.Arunkumar, learned counsel for the petitioner and



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Mr.R.Muniyapparaj, learned Additional Public Prosecutor for the respondents 1 to 3.

6. On carefully going through the proceedings of the 3rd respondent dated 05.12.2022, it is clear that the convict prisoner is entitled to be considered for grant of ordinary leave. The petitioner had sought for 60 days ordinary leave and the 3rd respondent found that the convict prisoner is entitled to ordinary leave only for 21 days. If the convict prisoner was entitled to ordinary leave for 21 days, then the convict prisoner should have been granted at least 21 days of ordinary leave, if he is otherwise eligible. However, since the representation has been rejected through the proceedings dated 05.12.2022, we are inclined to dispose of this writ petition by issuing a direction as under:-

(i) The petitioner shall make a representation to the 3rd respondent seeking for 21 days of ordinary leave to the convict prisoner and in the event of making such representation, the 3rd respondent shall consider the same and pass necessary orders thereof in accordance with



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Tamil Nadu Suspension of Sentence Rules, 1982 within a period of two weeks from the date of receipt of such representation.

In the result, this Writ Petition is disposed of accordingly with the above directions.

(P.N.P., J.) (N.A.V.,J.)
20..12..2022

Index: Yes/No
kmk

To

- 1.The Secretary to Government, Home (Prison IV) Department, Fort St.George, Chennai – 600 009.
2. The Additional Director General of Prisons, Thalamuthu Natarajan Maaligai, II Floor, Gandhi Irwin Road, Egmore, Chennai – 600 008.
3. The Superintendent of Prisons, Central Prison-I (Convict), Puzhal, Chennai – 600 006.
- 4.The Public Prosecutor, High Court, Madras.



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