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W.P.No.34199 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No.34199 of 2022

Sundaramoorthy

.. Petitioner

Vs.

1.The Deputy Inspector General of Prisons
Chennai Range
Egmore, Chennai 600 008

2.The Superintendent of Prison
Central Prison-I
Puzhal, Chennai 600 066

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to consider the petitioner's representation dated 27.10.2022 and grant 21 days ordinary leave viz., Sundaramoorthy, aged 48 years, S/o.Velayudhaudayar, convict prisoner (Convict No.7827), Central Prison-I, Puzhal.

For Petitioner : Mr.P.Pugalenth
for Ms.S.Nadhiya

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor



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ORDER

[Made by P.N.PRAKASH, J.]

After giving a representation dated 27.10.2022, seeking ordinary leave of 21 days under the Tamil Nadu Suspension of Sentence Rules, 1982, the present petition has been filed with the above prayer.

2. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the representation dated 27.10.2022 has been rejected by the prison authorities on 04.11.2022, on the short ground that the appeal of the convict prisoner is pending in CrI.A.No.28 of 2020 before this Court and therefore, he will not be eligible for ordinary leave in terms of Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982. A copy of the said rejection order has been furnished to the learned counsel for the petitioner, across the bar.

Recording the aforesaid submission of the learned Additional Public Prosecutor, this writ petition is closed, with liberty to the petitioner to work out his remedies, in the manner known to law. No costs.

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[P.N.P., J.] [N.A.V., J.]
22.12.2022



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To
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1.The Deputy Inspector General of Prisons
Chennai Range
Egmore, Chennai 600 008

2.The Superintendent of Prison
Central Prison-I
Puzhal, Chennai 600 066

3.The Public Prosecutor
High Court, Madras

P.N.PRAKASH, J.



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N.ANAND VENKATESH, J.

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