



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2022**

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P(MD)No.4493 of 2022

J.Anthony Bipin Raj : Petitioner / Brother of the detenu

.vs.

The State represented by its,

1.The Director Inspector General of Prison,
Madurai Range,
Madurai - 625 001.

2.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Thirunelveli District. : Respondents

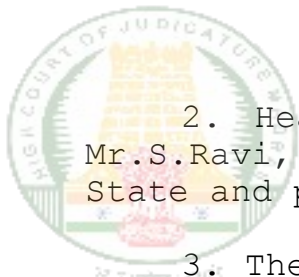
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order No.29/ta.ku.2/2022 dated 27.01.2022, issued by the second respondent and to quash the same and consecutively direct the respondents to grant leave for one month without escort to the detenu, Anthony Luns Lord, S/o.A.Sesususai Innasi, life convict prisoner, bearing Convict No.29, detained at Central Prison, Palayamkottai.

For Petitioner :Mr.R.Narayanan
For Respondents :Mr.S.Ravi,
Additional Public Prosecutor

ORDER

**R.SUBRAMANIAN, J.
AND
N.SATHISH KUMAR, J.**

Challenge in this writ petition is to the rejection of the request of the detenu for grant of Ordinary Leave on the ground that he was convicted for the offence under Section 397 of I.P.C.



2. Heard Mr.R.Narayanan, learned counsel for the petitioner, Mr.S.Ravi, learned Additional Public Prosecutor appearing for the State and perused the materials placed before this Court.

3. The learned counsel for the petitioner would submit that the rejection is incorrect inasmuch as the sentence imposed on the detenu under Section 397 I.P.C has been served by him and therefore, there is no prohibition. He would also rely upon the decision of Honourable Supreme Court of India in ***the State of Tamil Nadu and Others vs. P.Veera Bhaarathi (Criminal Appeal No.120 of 2019)***, dated 22.01.2019.

4. It is seen that the authorities have not taken into account the said factor while passing the order impugned in this writ petition. Hence, the order impugned in the writ petition is set aside.

5. The writ petition is disposed of with the direction to the authorities to consider the case of the detenu in the light of the directions issued by the Honourable Supreme Court in the above decision. No Costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

To

1.The Director Inspector General of Prison,
Madurai Range, Madurai - 625 001.

2.The Superintendent of Prison,
Central Prison,
Palayamkottai, Thirunelveli District.

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

+1 CC to M/s.S.MANOCHARAN, Advocate (SR-11784[F] dated 14/03/2022)

W.P(MD)No.4493 of 2022

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RD(01.04.2022) 2P 5C