



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. [MD]No.7171 of 2022

S.Meenakshi

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director General of Prisons,
Egmore, Chennai - 600 008.
- 3.Deputy Inspector General of Prison,
Department of Prison,
Madurai Range,
Madurai.
- 4.The Superintendent of Central Prison,
Madurai Central Prison,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records of the third respondent by his order dated 16.10.2021 in Proceeding No.4782/u.tha.2/2021 and quash the same as illegal and consequently directing the respondents to grant two months ordinary leave to the life convict Thirupathi son of Sakkari Aasari, CT No.5662, now confined at Central Prison, Madurai.

For Petitioner

: Mr.A.Jeyaram

For Respondents

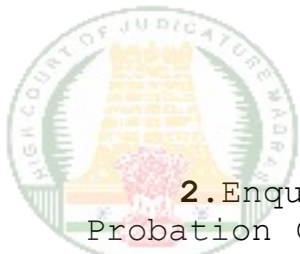
: Mr.S.Ravi

Additional Public Prosecutor

O R D E R

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

Seeking ordinary leave for the convict prisoner, Thirupathi, son of Sakkari Aasai, CT No.5662, who is the son of the petitioner, the petitioner gave an application to the prison authorities on the ground that the petitioner is unwell.



2.Enquiry was conducted on the leave application and the Probation Officer has submitted a report that the petitioner is not suffering from any ailments and she is hale and healthy. Similarly, enquiry conducted by the Inspector of Police, B4 Keeraithurai Police Station also revealed that the petitioner was not suffering from any ailments. Since the reasons given by the petitioner in the leave application that she is unwell and therefore, leave should be granted to her son to visit her was found to be untrue, the Deputy Inspector General of Prisons has passed an order dated 16.10.2021 rejecting the leave application. Aggrieved by which, the present writ petition has been filed.

3.It appears that when the matter came up before this Court on 21.04.2022, this Court had directed the petitioner to appear before the Dean, Government Rajaji Hospital, in order to find out if she was having any health issues.

4.Learned Additional Public Prosecutor submitted that a communication from the Dean, Government Rajaji Hospital states that the petitioner did not appear before the hospital authorities as directed by this Court. However, learned Counsel for the petitioner refuted the said contention and stated that the petitioner did appear before the Dean.

5.In our considered opinion, ordinary leave is not a right and it is only a concession as could be seen from Rule 3 of the Tamil Nadu Suspension of Sentence Rules, 1982 [hereinafter referred to as 'the Rules']. That apart, Rule 20 does not provide for grant of leave to a convict prisoner on the ground that his close relative is sick. Therefore, we do not find any infirmity in the impugned order which is under challenge.

6.Accordingly, this Writ Petition is closed. However, it is also open to the petitioner to approach the prison authorities for fresh leave on the grounds available under the Rules with adequate proof.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR



To

- 1.The Secretary,
State of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director General of Prisons,
Egmore, Chennai - 600 008.
- 3.Deputy Inspector General of Prison,
Department of Prison,
Madurai Range,
Madurai.
- 4.The Superintendent of Central Prison,
Madurai Central Prison,
Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER MADE IN
W.P. [MD]No.7171 of 2022
08.06.2022

NSN (CO)
GC(20.06.2022) 3P 6C