



W.P.(MD)No.27141 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.12.2022

CORAM

**THE HON'BLE DR JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDER MOHAN**

W.P.(MD)No.27141 of 2022

T.Pechiyammal

.. Petitioner/Sister of the detenu

Vs.

The State represented by its

1.The Deputy Inspector General of Prison,
Trichy Zone,
Trichy-620 023.

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

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying this Court, to issue a writ of Mandamus, directing the respondents to grant ordinary leave for 40 days Sudalaimuthu, S/o.Nallaperumal, aged about 44 years, convict No.12000, detained at Central Prison, Trichy.

For Appellant :Mr.S.Manoharan

For Respondents :Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

DR. G.JAYACHANDRAN,J.
and
SUNDER MOHAN,J.

This writ petition is filed by the sister of the detenu seeking grant for ordinary leave of 40 days by the life convict.

2.Earlier writ petition was filed seeking premature release and the same was dismissed by this Court, on 06.07.2021 in W.P(MD)No.6832 of 2021, directing the respondent to pass orders on the representation of the petitioner, dated 26.02.2020, within a period of 8 weeks.

3.The learned counsel for the petitioner states that the said representation not yet been disposed of, inspite of issuance of contempt notice. In the meanwhile, the present petitioner has sought for ordinary leave of 40 days to the convict and she has also sent a representation, dated 21.11.2022. The said representation has not been taken for consideration by the respondents. Hence, the present Writ Petition has been filed.



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4.The learned Additional Public Prosecutor appearing for the respondents submitted that the representation of the petitioner, dated 21.11.2022 was taken into consideration by the Prison Superintendent, Trichy. Considering the fact that the convict over stayed his leave, when he was granted leave for 3 days, during the month of October 2010, a case for abscondance registered under Section 224 IPC and the same is pending. The convict was secured on 07.12.2010 after nearly 35 days of abscondance. Hence, the convict is not entitled for ordinary leave as per Rule 21(d)(5) of Volume III of Tamil Nadu Prison Manuel.

5.In view of the fact that the representation of the petitioner, dated 21.11.2022 seeking ordinary leave of 40 days for her brother had already been considered and rejected on merits, the petitioner is at liberty to challenge the same or to make fresh representation.

6.With the above observation, this Writ Petition is disposed of. No costs.

(G.J.,J.) (S.M.,J.)
19.12.2022

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DR.G.JAYACHANDRAN,J.
and
SUNDER MOHAN,J.
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To

1.The Deputy Inspector General of Prison,
Trichy Zone,
Trichy-620 023.

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

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

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