



WEB COPY



WP.No.17062 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.17062 of 2023

Latha

W/o.Late Suryakumar

..

Petitioner

Vs.

1. The Home Secretary
Home Department
Secretariat, Fort St.George
Chennai-600 009.

2. Additional Director General of Police and
Inspector General of Prisons
Whannels Road, Egmore
Chennai-600 008.

3. The Superintendent of Prison
Cuddalore Central Prison
Cuddalore District.

4. The Inspector of Police
Villupuram Taluk Police Station
Villupuram District.

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records in order or rejection vide No.8022/Tha.Ku.2/2023 dated 09.05.2023 passed by the 3rd respondent and quashed the same. Further directed to the 3rd respondent to grant emergency leave to petitioner's son convict prisoner Mr.Ajeeth CT-16977 in pursuant to petitioner's representation dated 26.04.2023.

For Petitioner	:	Mr.Mohamed Saifulla representing Mr.P.Muthamizh Selvakumar
For Respondents	:	Mr.R.Muniyapparaj Additional Public Prosecutor assisted by Mr.M.Sylvester John, Advocate

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

This order will now dispose of the captioned writ petition.

2. Captioned writ petition has been filed by mother of a life convict. To be noted, life convict is Mr.Ajeeth (CT-16977), now lodged in Central Prison, Cuddalore having been convicted and given life sentence vide S.C.No.123 of 2017 on the file of Principal Sessions Court, Villupuram vide



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judgment dated 11.08.2021.

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3. Petitioner applied for emergency leave vide representation dated 26.04.2023 saying that the convict prisoner has to participate in his father's first year ceremony. To be noted, this Court is informed that convict prisoner's father's first year ceremony is on 03.07.2023. This request for emergency leave has been negated by third respondent in and by an 'order dated 09.05.2023 bearing reference No.8022/tha.ku.2/2023' [hereinafter 'impugned order' for the sake of convenience and clarity]. Though very many grounds have been urged in the writ petitioner's campaign against the impugned order of the third respondent, it may not be necessary to be detained by those grounds owing to the trajectory the matter has taken.

4. Learned Prosecutor who accepted notice on behalf of all three respondents submitted, on instructions that the petitioner's representation dated 26.04.2023 is for emergency leave which is governed by Rule 6 of 'the Tamil Nadu Suspension of Sentence Rules 1982' [hereinafter 'said Rules' for the sake of convenience and clarity]. There is no provision for granting



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emergency leave for attending ceremony of this kind but learned Prosecutor categorically submitted that if an application is made for ordinary leave which is governed by Rule 20 of said Rules, the same will be considered favourably.

5. Learned counsel for petitioner submits that if the aforementioned course is adopted, it would serve the purpose and the petitioner would submit a fresh application for ordinary leave for convict prisoner to attend his father's first year ceremony on 03.07.2023.

6. In the light of the narrative thus far and the trajectory the matter has taken before us, we pass the following order:

(a) Impugned order dated 09.05.2023 bearing reference No.8022/tha.ku.2/2023 made by third respondent is set aside;

(b) Impugned order is set aside solely for the purpose of facilitating third respondent to consider fresh application (to be filed) for ordinary leave and it is made clear that the impugned order has not been set aside on merits and therefore we are not



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expressing any view or opinion on the grounds of challenge;

(c) Learned counsel for petitioner submits that the petitioner will make the application for ordinary leave within one week from today i.e., on or before 15.06.2023;

(d) After receipt of the application for ordinary leave, third respondent shall consider the same on its own merits, in accordance with law, in the light of Rule 20 of said Rules and pass orders within one week therefrom i.e., on or before 22.06.2023;

Captioned Writ Petition disposed of with the aforementioned observations and directives. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

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Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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M.SUNDAR, J.,
and

K.GOVINDARAJAN THILAKAVADI, J.,

mk

To

1. The Home Secretary
Home Department
Secretariat, Fort St.George
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2. Additional Director General of Police and
Inspector General of Prisons
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4. The Inspector of Police
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5. The Public Prosecutor
High Court, Madras.

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