



WEB COPY



W.P.No.17283 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.17283 of 2023

S.Veembu

..

Petitioner

v.

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai 600 009

2. The Director General of Police /
Inspector General of Prisons and Correctional Service
Whannels Road, Egmore
Chennai 600 008

3. The Superintendent of Prisons
Central Prison
Cuddalore-4

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to grant 28 days ordinary leave enabling the petitioner's husband Senthilkumar S/o Selvaraj, aged 50 years, Convict No.14681, Convict Prisoner, Central Prison, Cuddalore.



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For Petitioner :: Ms.S.Nadhiya

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind, Advocate

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ petition is filed for issuance of a mandamus directing the respondents to grant 28 days ordinary leave to the petitioner's husband, who is a convict prisoner, to enable him to mobilize funds and to make arrangements for continuation of the studies of the four children of the petitioner.

2. The petitioner is the wife of the life convict by name Senthilkumar, who has been convicted under the provisions of the TADA Act in C.C.No.45 of 1995 and undergoing life imprisonment from the year 2012. The case of the petitioner is that there are four children born to the petitioner and the convict prisoner. It is stated that the petitioner's second daughter is a medical student studying 5th year in Aadhi Parasakthi Medical



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College, Melmaruvathur. One of her son is also a medical student studying 2nd year in Thiruvarur Government Medical College. Her other two children are also studying. The grievance of the petitioner is that she is unable to meet out the educational expenses of all the children. Therefore, she has filed the present writ petition with the prayer as aforesaid, to make arrangements to meet the educational expenses for the children through her husband's relatives and friends.

3. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Though the learned Additional Public Prosecutor referred to the Tamil Nadu Suspension of Sentence Rules, 1982, in and by which the respondents have no power to grant ordinary leave to a prisoner, who has been convicted under the provisions of the TADA Act, it is admitted that the petitioner's husband had availed emergency leave at least on 33 occasions earlier without escort. This Court has also earlier granted ordinary leave for a period of 30 days from 07.08.2022 to 05.09.2022 to the



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convict prisoner. Therefore, having regard to the reason given by the petitioner, this Court finds that the prayer of the petitioner to grant 28 days ordinary leave to her husband/life convict is justified. Accordingly, the petitioner's husband, namely, Senthil Kumar, S/o Selvaraj (Convict No.14681), Convict Prisoner, who is confined in Central Prison, Cuddalore, is granted 28 days ordinary leave without escort. The leave shall commence from 22.11.2023 10.30 a.m., and the convict prisoner shall surrender before the third respondent by 5.30 p.m., on 19.12.2023. During the period of leave, the convict prisoner shall also report before Moodhunagar Police Station, Cuddalore District once in a week at 10.30 a.m., and he shall not indulge in any other illegal or unwarranted activities. The writ petition is ordered accordingly.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (S.M.,J.)
17.11.2023

ss

To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department



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5. The Public Prosecutor
High Court, Madras



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