



WEB COPY



W.P.No.21645 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

W.P.No.21645 of 2023

Lalitha

... Petitioner

Vs.

The State represented by its

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Trichy Range,
Trichy – 620 020.

3.The Superintendent,
Central Prison,
Trichy – 620 020.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus directing the respondents to
grant ordinary leave for 21 days without escort to the detenue, Elango
S/o.Natesan, Convict No.18517, detained at Central Prison, Trichy.



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For Petitioner : Mr.S.Manoharan

For Respondents : Mr.E.Raj Thilak

Additional Public Prosecutor

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is for a Writ of Mandamus directing the respondents to grant ordinary leave for 21 days without escort to the detenu, Elango S/o.Natesan, Convict No.18517, detained at Central Prison, Trichy.

2. The petitioner is the mother of the detenu viz., Elango who has been in Central Prison, Trichy for 7 years imprisonment as Convict No.18517.

3. He claimed to have served for more than 3 years imprisonment, therefore he is eligible to seek for ordinary leave of 21 days as per Rule 22 of 1982 Rules called “The Tamil Nadu Suspension of Sentence Rules, 1982”.



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4. Therefore on behalf of the detenu, this petition has been filed to seek for grant of such ordinary leave of 21 days without escort to the detenu.

5. Heard Mr.S.Manoharan, learned counsel for the petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor appearing for the respondents.

6. The learned Additional Public Prosecutor for the respondents would contend that, though the detenu is eligible to seek for 21 days ordinary leave under the 1982 Rules, the report from the local Police as well as the Probation Officer is awaited. Once the report is received, certainly, a decision would be taken with regard to the grant of 21 days ordinary leave to the detenu and the further decision as to whether the leave can be granted to him with escort or without escort also would be made depending upon the nature of the report to be submitted by those two authorities.

7. We have considered the said submissions made by the learned counsel for both sides and have perused the materials placed before this Court.



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8. In view of the aforesaid, we feel that, this writ petition can be

disposed of with the following orders:

That there shall be a direction to the 2nd respondent to consider the request made by the petitioner on behalf of the detenu, as stated supra, for grant of 21 days ordinary leave under 1982 Rules based upon the report to be filed by the said two authorities viz., local Police as well as the Probation Officer and accordingly a decision shall be taken within a period of one week from the date of receipt of a copy of this order.

9. With this direction, this Writ Petition is disposed of.

(R.S.K., J.) (K.B., J.)

21.07.2023

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

Note : Issue order copy on 21.07.2023

Sgl



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To

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1. The Secretary to Government of Tamilnadu,
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2. The Deputy Inspector General of Prison,
Trichy Range, Trichy – 620 020.
3. The Superintendent,
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R. SURESH KUMAR, J.
And
K.KUMARESH BABU, J.

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