



W.P.No.22492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**  
and  
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

**W.P.No.22492 of 2023**

M.Rajeshwari

..

Petitioner

Vs

The State represented by its

1.The Secretary to Government of Tamil Nadu,  
Department of Home, Fort St. George,  
Chennai - 9.

2.The Deputy Inspector General of Prison,  
Madurai Range, Madurai - 625 001.

3.The Superintendent,  
Central Prison, Palayamkottai - 627 007.

.. Respondents

Petition filed under Article 226 of the Constitution of India  
praying for issuance of a writ of mandamus directing the respondents  
to grant leave for three months without escort from 28.07.2023 to the  
detenu Satishkumar, S/o.Ponmani, aged about 36 years, life Convict  
No.5247, detained at Central Prison, Palayamkottai.

Page Nos.1/6



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W.P.No.22492 of 2023

For Petitioner : Dr.S.Manoharan  
For Respondents : Mr.E.Raj Thilak  
Additional Public Prosecutor

### ORDER

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

This order will now dispose of the captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity and convenience).

2. Short facts are that the writ petitioner's spouse one Satishkumar, S/o.Ponmani, aged 36 years is a lifer (Convict No.5247) detained in Central Prison, Palayamkottai; that the convict prisoner was granted 28 days leave without escort from 01.07.2023 to 28.07.2023 with a condition to surrender back on 29.07.2023 at 05.00 p.m; that this 28 days leave was granted by the second respondent; that the petitioner is in advanced stage of pregnancy and presence of her spouse by her side is necessary owing to certain medical complications and also to take care of convict prisoner's mother (writ petitioner's mother-in-law); that the convict prisoner is necessary for mobilising funds also; that these are the reasons that



W.P.No.22492 of 2023

weighed with the second respondent in granting 28 days leave; that the captioned WP has been filed in this Court on 26.07.2023 seeking further leave from 29.07.2023.

3. Issue notice.

4. Mr.A.Gokulakrishnan, learned State Additional Public Prosecutor accepts notice for all the three respondents.

5. Owing to the limited scope of captioned WP, main writ petition is taken up in the Admission Board with the consent of both sides.

6. Learned Prosecutor submits that the convict prisoner has already availed 28 days leave.

7. We carefully considered the submission made on both sides. We are informed that the convict prisoner has not breached any of the conditions on which leave was granted, that the conduct of the convict prisoner while on leave has been blemishless and there is no dispute or contestation on this. We are also informed that there is no dispute or contestation regarding the advanced stage of



W.P.No.22492 of 2023

pregnancy or ill health/complications qua convict prisoner's spouse's health (writ petitioner) and the convict prisoner's mother's ill health.

8. We find that there is no serious impediment as regards grant of leave qua Tamil Nadu Suspension of Sentence Rules, 1982.

9. In the light of the narrative, discussion and dispositive reasoning, the convict prisoner is granted 33 days leave from 29.07.2023 subject to the condition that the convict prisoner shall continue his blemishless conduct while on leave and also sign in Thoothukudi South Police Station daily. Any other conditions imposed by the second respondent while granting 28 days leave will continue to operate.

10. Though obvious we make it clear that convict prisoner need not surrender tomorrow (29.07.2023) but shall surrender before the jail authorities in Central Prison, Palayamkottai on 01.09.2023 by dusk i.e., by 05.30 p.m.



W.P.No.22492 of 2023

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11. Captioned WP disposed of in the aforesaid manner with the  
aforementioned directives/conditions.

(M.S.,J.) (R.S.V.,J.)  
28.07.2023

Index : Yes / No  
Neutral Citation : Yes / No  
mmi

**P.S. UPLOAD FORTHWITH**

To

- 1.The Secretary to Government of Tamil Nadu,  
Department of Home, Fort St. George,  
Chennai - 9.
- 2.The Deputy Inspector General of Prison,  
Madurai Range, Madurai - 625 001.
- 3.The Superintendent,  
Central Prison, Palayamkottai - 627 007.
- 4.The Public Prosecutor,  
High Court, Madras.

Page Nos.5/6



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*W.P.No.22492 of 2023*

**M.SUNDAR, J.,  
and  
R.SAKTHIVEL, J.,**

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W.P.No.22492 of 2023

28.07.2023

Page Nos.6/6