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W.M.P.No.25885 of 2023
in W.P.No.17283 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.M.P.No.25885 of 2023

in

W.P.No.17283 of 2023

S.Veembu

.... Petitioner

Vs

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

Prayer : Petition filed under Article 226 of the Constitution of India seeking to issue an interim direction directing the respondent to grant 5 days ordinary leave enabling the petitioner's husband Senthil Kumar, S/o. Selvaraj, aged 50 years, Convict No.14681, Convict Prisoner, Central Prison, Cuddalore till the disposal of the petition in W.P.No.17283 of 2023.



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For Petitioner : Ms.S.Nadhiya

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

This miscellaneous petition has been moved as an emergent petition by the petitioner on the reason that there has been a function fixed called puberty function on 08.09.2023 between 6 and 7.30 p.m at a Marriage hall in Kullanchavadi, Cuddalore District for the daughter of the petitioner.

2. The petitioner's husband Senthil Kumar has been convicted under TADA Act in C.C.No.45 of 1995 on the file of the Principal Sessions Judge, Tiruchirapalli and he is undergoing imprisonment for life.

3. In these circumstances, since the convict has been in jail for 14 years, as per the Leave Rules, according to the petitioner, the convict is entitled for an ordinary leave of 28 days and in order to get sanction of such leave, the petitioner already had given a representation on 22.05.2023. The said representation is yet to be considered



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and decided. Therefore the main writ petition has been filed with the prayer to consider the said representation and to sanction the ordinary leave of 28 days for the convict, i.e., the petitioner's husband.

4. During the pendency of the said writ petition, since this function has been fixed and the convict is the father of the girl, to whom this function is going to be held tomorrow, this present miscellaneous petition has been moved, therefore Ms.S.Nadhiya, learned counsel appearing for the petitioner seeks indulgence of this Court for grant of ordinary leave for 5 days.

5. However, Mr.R.Muniyapparaj, learned Additional Public Prosecutor would submit that, insofar as the consideration of the representation dated 22.05.2023 for the grant of 28 days ordinary leave is concerned, it is under consideration and since order would be passed thereon on merits, before which, if at all the petitioner insist for consideration of an ordinary leave for a shorter period enabling the convict to attend the function to be held tomorrow, that kind of leave normally would not be allowed for such a kind of function called puberty function, therefore he is opposing such petition.



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6. We have considered the said submission made by both sides.

7. It is to be noted that, under Rule 20 of the Tamil Nadu Suspension of Sentence Rules, 1982, among various reasons, for any extraordinary reasons, such kind of leave can be granted.

8. Here, the function fixed for the daughter of the convict is puberty function, which is one of the important function in the family. Therefore in order to attend the function, the presence of the father of the girl in whose favour the function is going to be conducted is required. Therefore there is every justification on the part of the petitioner to seek for ordinary leave to attend the said function.

9. Considering the said circumstances, we are inclined to dispose of this miscellaneous petition with the following orders :

(i) That there shall be a direction to the respondents to release the convict Senthil Kumar, S/o. Selvaraj, aged 50 years, Convict No.14681, lodged in the Central Prison, Cuddalore for ordinary leave of 2 days on 8th and 9th September, 2023 with Escort.



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(ii) The Convict, i.e., the husband of the petitioner shall report back to the Central Prison, Cuddalore where he is currently lodged after completing the 2 days, ordinary leave as inducted above by 5 p.m on 09.09.2023.

10. With these directions, this Miscellaneous Petition is disposed of.

(R.S.K.,J.) (K.B.,J.)
07.09.2023

tsvn

Note to Office :

Issue order copy today

To

1. The Principal Sessions Judge,
Tiruchirapalli
2. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
3. The Director General of Police /
Inspector General of Prisons and Correctional Service,
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