



W.P.No.28443/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.28443/2023

Manjula

Vs.

... Petitioner

- 1.The Secretary,
The Department of Home & Prisons,
Fort St. George,
Chennai.
- 2.The Deputy Inspector General of Prisons(DIG),
Office of the DIG Prisons,
Gandhi Irwin Road, CMDA Building,
Egmore, Chennai - 08.
- 3.The Superintendent of Prisons,
Central Prisons,
Coimbatore - 641 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of



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the third respondent pertaining to the Impugned Order in No.15149/tha.ku 3/2023 dated 25.07.2023 on his file, quash the same and direct the third respondent to give ordinary leave to the petitioners Uncle named Balasubramaniam, M/A 75 yrs, S/o.Muthuswamy Naidu.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

(1)The present writ petition has been filed in the nature of a certiorarified mandamus seeking records relating to an order passed by the 3rd respondent, Superintendent of Prisons, Central Prison, Coimbatore, in No.15149/tha.ku 3/2023 dated 25.07.2023 and to quash the same and to direct the third respondent to give ordinary leave to the petitioner's Uncle named Balasubramaniam, M/A 75 yrs, S/o.Muthuswamy Naidu.

(2)The petitioner is the niece of the detenu Balasubramaniam, a life convict and he has been convicted for the offences u/s.302, 307, 506[ii] of IPC and has been sentenced to life imprisonment. The conviction and



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sentence of the detenu has been confirmed by the Hon'ble Supreme Court on 22.05.2017 in CrI.A.No.1346/2012 and since 2017, the detenu is languishing in prison.

(3)A perusal of the Impugned Order passed by the 3rd respondent dated 25.07.2023 is that the detenu had earlier applied for leave for 28 days from 27.09.2022 to 26.10.2022 and therefore, under the amended Rule 22[3] of the Tamil Nadu Prison Manual, 1982, the detenu is not eligible to avail the second ordinary leave in the light of the fact that one year period has not been completed before availing the next ordinary leave.

(4)This Court finds that no extraordinary circumstances to deviate from the Rule. The detenu, according to the petitioner, appears to be a man of 75 years old and that he is suffering from Parkinson disease and coronary artery disease. Since the detenu has reasonable facility to take care of his illness at his request in a Hospital, this Court is unable to exercise its extraordinary jurisdiction to grant ordinary leave to the detenu in view of the specific provision under the amended Rule 22[3] of the Tamil Nadu Prison Manual, 1982.



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(5) Hence, the writ petition stands **dismissed**. However, liberty is given to the detenu to renew his request after the expiry of one year period which ends on 25.10.2023, after which date, the prisoner/detenu would be entitled to avail the relief of ordinary leave. No costs.

[SSSRJ] [SMJ]
04.10.2023

AP

Internet : Yes

To

1. The Secretary,
The Department of Home & Prisons,
Fort St. George, Chennai.
2. The Deputy Inspector General of Prisons(DIG),
Office of the DIG Prisons,
Gandhi Irwin Road, CMDA Building,
Egmore, Chennai - 08.
3. The Superintendent of Prisons,
Central Prisons, Coimbatore - 641 018.
4. The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.,

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