



WP.No.28997/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Bhuvaneshvari

... Petitioner

Vs.

The State represented by

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

2.The Director Inspector General of Prison
Coimbatore Range, Coimbatore Central Prison
Coimbatore 600 009.

3.The Superintendent
Salem Central Prison,
Salem 636 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records pertaining to the rejection order made in Ref.No.15482/tha.ku.3/2023, dated



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29.07.2023, issued by the 3rd respondent and quash the same and consequently direct the 1st respondent to grant leave for one month without escort to the detenu Nagarajan S/o.Mariappan, aged about 56 years, convict No.8161, detained at Central Prison, Salem.

For Petitioner : Ms.S.Lakshmi

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 dated 29.07.2023 passed by the 1st respondent in No.15482/tha.ku.3/2023, rejecting the request of the petitioner herein to grant leave for one month to her husband, a life convict and to quash the same and to direct the 1st respondent to grant leave for one month without escort to the detenu Nagarajan, S/o.Mariappan, aged about 56 years, a life convict prisoner, bearing Convict No.8161, now detained at Central Prison, Salem.



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(2)The petitioner is the wife of the detenu/life convict. The petitioner's husband has been convicted for the offences u/s.302, 148, 341 of IPC read with Section 3 of the Indian Explosives Act and has been sentenced to under life imprisonment by the learned I Additional Sessions Judge at Salem, in SC.No.34/1999 on 20.10.2004.

(3)The petitioner earlier filed a similar application for grant of ordinary leave for a period of 40 days. Though the request was declined by the respondents, the petitioner filed a similar writ petition before this Court in WP.No.4185/2023 to grant leave to her husband for 40 days. Despite objection, this Court passed an order granting 40 days ordinary leave from 01.03.2023 to 09.04.2023 in connection with the marriage of the petitioner's daughter. The present application has been filed only on the ground that the petitioner's husband could not participate in the reception that followed the marriage and therefore, the petitioner's husband may be granted leave.

(4)The request of the petitioner was turned down by the respondents this time on the ground that the petitioner's husband was granted ordinary leave for a period of 40 days earlier in connection with the marriage of



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her daughter and that as per Rule 22[3] of the Tamil Nadu Prison Manual, an application within one year from the date of completion of the earlier leave, is not permissible.

(5)The petitioner has not come up with any extraordinary circumstances so as to consider again the grant of leave within a short time. This Court, having regard to the Rules, is unable to consider the grant of leave to the petitioner's husband/life convict. Hence, the request of the petitioner is declined.

(6)Accordingly this writ petition stands **dismissed**.

[S.S.S.R., J.] [S.M, J.]
06.10.2023

AP

Internet : Yes



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To

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- 2.The Director Inspector General of Prison
Coimbatore Range, Coimbatore Central Prison
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- 3.The Superintendent
Salem Central Prison,
Salem 636 007.
- 4.The Public Prosecutor,
High Court, Madras.



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S.S. SUNDAR, J.,
and
SUNDER MOHAN, J.,

AP

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