



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Tuesday, the Twentieth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR  
and  
The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.8658 of 2023  
in  
HCP(MD)No.395 of 2023

VENNILA

... PETITIONER/PETITIONER

Vs

1 THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT,  
HOME, PROHIBITION AND EXCISE DEPARTMENT,  
FORT, ST GEORGE, CHENNAI-600009

2 THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE,  
THENI DISTRICT.  
THENI.

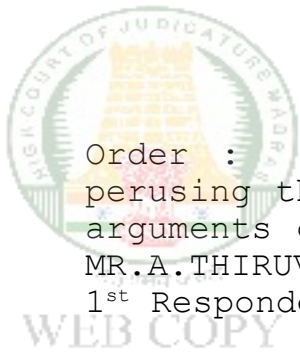
3 THE SUPERINTENDENT OF PRISON,  
CENTRAL PRISON,  
MADURAI.

....RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to direct the respondents to grant parole or emergency leave to the detainee Mr.Sathish male aged about 41 years TPDA No.8374 of 2022 confined in the 3rd respondent prison for a period of 30 days without police escort for taking better medical treatment in view of the petitioner representation dated 24.04.2023.

Prayer in Habeas Corpus Petition(MD) No. . 395/ 2023 :

To issue a Writ, Order or direction, more particularly in the nature of a Writ of Habeas Corpus, calling for the records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in Detention Order No.109/2022 dated 09.12.2022 in detaining the detainee under section 2(e) of the Tamilnadu Act 14 of 1982 as a Drug Offender and quash the same and direct the respondents to produce the Detenue namely Sathesh S/o. Thangadurai Male aged about 40 years, who is detained in Central Prison, Madurai before this Hon'ble Court and set him at liberty.



Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JERIN MATHEW.M, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR , Additional Public Prosecutor on behalf of the 1<sup>st</sup> Respondent, the court made the following order:-

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

This petition has been filed to consider for grant of parole or emergency leave to the detenu namely, Sathish, aged about 41 years, TPDA No.8374 of 2022 confined in the third respondent prison for a period of 30 days without police escort for taking better medical treatment by considering the petitioner's representation, dated 24.04.2023.

2. Heard Mr.M.Jerin Mathew, learned counsel appearing for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioner submits that for better medical treatment such a plea has been raised and the representation has been given to the Government thereafter, let them consider it and pass necessary order, granting parole or emergency leave to the detenu.

4. However, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents would submit that since the detenu has been detained under Act 14 of 1982. Therefore, 1982 leave rules or suspension of sentence rules should not apply to the case of the detenu and if at all the petitioner seeks consideration of the representation, it can only be undertaken under the powers vested with the Government under Section 15 of Act 14 of 1982.

5. The said submission made by the learned Additional Public Prosecutor is to be accepted because since the detenu has been detained under Act 14 of 1982 whether he is entitled to get a temporary release has to be decided under Section 15 of Act 14 of 1982.

6. In that view of the matter, we are inclined to dispose of this petition in the following orders :

1) that there shall be a direction to the first respondent to consider the representation of the petitioner, dated 24.04.2023 under Section 15 of the Act 14 of 1982 and pass orders thereon, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



7. With these directions, this Criminal Miscellaneous is disposed of.

sd/-  
20/06/2023

/ TRUE COPY /

/06/2023

WEB COPY

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

RM

TO

- 1 THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT,  
HOME, PROHIBITION AND EXCISE DEPARTMENT,  
FORT, ST GEORGE, CHENNAI-600009
- 2 THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE,  
THENI DISTRICT.  
THENI.
- 3 THE SUPERINTENDENT OF PRISON,  
CENTRAL PRISON,  
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL MP (MD) No.8658 of 2023  
in  
HCP (MD) No.395 of 2023  
Date :20/06/2023

PKP/CG/SAR- /28.06.2023/ **3P/5C**