



WP(MD)No.12028 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.05.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

AND

THE HONOURABLE Ms.JUSTICE P.T.ASHA

WP(MD).No.12028 of 2023

Sathya

: Petitioner

Vs

1.State of Tamil Nadu
rep. by the Principal Secretary
Home, Prohibition and Excise Department
State of Tamil Nadu,
State Secretariat, Fort St. George
Chennai 9

2.The Director General of Police/Director of Prisons
and Correctional Services
CMDA Towers II
No.1 Gandhi Irwin Road
Egmore, Chennai.

3.The Deputy Inspector General of Police,
Madurai Range
A.A.Road, Arasaradi
Madurai 625 016.

4.The Superintendent of Police,
Madurai Central Prison
Madurai 625 016.

: Respondents

1/5



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to extend the ordinary leave by 30 days from already granted by the respondent No.4 vide order No.Th.Ku2/1609/2023 dated 27.04.2023 to the petitioner's husband by name Kannan, S/o.Alagu, (CP 1609) by exemption under Rule 40 of the Tamil Nadu Suspension of Sentence Rules, 1982 or release the petitioner's husband in accordance with Rule 632, 633 of the Tamil Nadu Prison Rules, 1983 on the basis of the petitioner's representation dated 09.05.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.T.Senthilkumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner seeks for extension of ordinary leave granted to her husband by the 4th respondent on 27.04.2023 for a further period of 30 days by granting exemption under Section 40 of the Suspension of Sentence Rules, 1983 (hereinafter referred to as 'the Rules').



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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. Section 22 of the Rules prescribes that ordinary leave shall not exceed a period of 21 days for the prisoners sentenced to imprisonment for a period not exceeding five years. The power to grant exemption under Section 40 of the Rules is vested with the Government alone, as there is no provision under the Rules for granting ordinary leave beyond the period of 21 days.

4. In this connection, the petitioner has already approached the Government seeking exemption under Rule 40 of the Rules through her representation dated 09.05.2023. In this background, it would be appropriate to direct the first respondent to consider the said representation within a stipulated time.

5. Accordingly, there shall be a direction to the first respondent to consider the representation of the petitioner dated 09.05.2023 within a period of two (2) days from the date of receipt of a copy of this order.



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6. This writ petition is disposed of with the above direction.

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[M.S.R.,J] [P.T.A.,J]

24.05.2023

Index : Yes / No

Internet : Yes

RR

To

1.The Principal Secretary
Home, Prohibition and Excise Department
State Secretariat, Fort St. George, Chennai 9

2.The Director General of Police/Director of Prisons
and Correctional Services
CMDA Towers II
No.1 Gandhi Irwin Road
Egmore, Chennai.

3.The Deputy Inspector General of Police,
Madurai Range, A.A.Road, Arasaradi
Madurai 625 016.

4.The Superintendent of Police,
Madurai Central Prison, Madurai 625 016.

5.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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M.S. RAMESH, J.
AND
P.T.ASHA, J.

RR

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