



W.P.(MD)No.14371 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.14371 of 2023

P.Kamalambal

... Petitioner

Vs.

1.The State represented by its
The Deputy Inspector General of Prison,
Trichy Range,
Trichy Central Prison,
Trichy-620 020.

2.The Superintendent,
Central Prison,
Trichy-620 020.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant ordinary leave as per the reply letter from the second respondent vide order bearing Moo.Mu.No.29410/Tha.Ku.4/2022 dated 19.05.2023, for 21 days without escort to the detenue, Sankaralingam, S/o.Vadivel, aged about 57 years, Convict No.84077 confined at Central Prison, Trichy.



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For Petitioner : Mr.Akshaya

for Mr.S.Manoharan

For Respondents : Mr.A.Thiruvadi Kumar,

Additional Public Prosecutor

ORDER

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

This Writ Petition is filed for a direction to the respondents to grant ordinary leave for 21 days as per the reply letter issued by the second respondent in Moo.Mu.No.29410/Tha.Ku.4/2022 dated 19.05.2023, without escort to the detenu, namely, Sankaralingam, son of Vadivel, aged about 57 years, now confined at Central Prison, Trichy.

2. The petitioner's husband is a life convict. In order to get ordinary leave under Tamil Nadu Suspension of Sentence Rules, 1982, the petitioner had already given a representation to the second respondent, pursuant to which, the second respondent has already received a report from the Welfare Officer, from the local police, further report has to be obtained, for which, request has already been made which has been communicated to the second respondent as early as on 19.05.2023.



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3. Despite this development already been taken, till date, the report from the local police (i.e.,) the Inspector of Police, Town Police Station, Thiruvarur, seems to have not been received, because of which, it is delayed on the part of the second respondent to pass orders on the plea of the petitioner.

4. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. The local Police concerned, namely, the Inspector of Police, Town Police Station, Thiruvarur, should have given such a report whatever with regard to the proposed order to be passed by the second respondent for granting 21 days ordinary leave under Tamil Nadu Suspension of Sentence Rules, 1982, and such a report cannot be delayed for such a long time by the local Police. Therefore, we feel that the local Police concerned (i.e.,) the Inspector of Police, Town Police Station, Thiruvarur, shall send such a report within a period of one week from today and on receipt of the same, necessary orders shall be passed by the second respondent on the application submitted by the petitioner thereafter within a period of one



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week.

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6. With these directions, this Writ Petition is disposed of. There shall be no order as to costs.

7. A copy of this order shall be marked to the Superintendent of Police, Thiruvarur District, for supervising the compliance of the aforesaid order on the part of the Inspector of Police concerned.

(R.S.K., J.) & (K.K.R.K, J.)

19.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note: Issue Order copy on 19.06.2023



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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

ssb

To

- 1.The Deputy Inspector General of Prison,
Trichy Range,
Trichy Central Prison,
Trichy-620 020.
- 2.The Superintendent,
Central Prison,
Trichy-620 020.
3. The Superintendent of Police,
Thiruvarur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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