



W.P.(MD)No.17267 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.07.2023

CORAM :

THE HONOURABLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

W.P.(MD) No.17267 of 2023
and
W.M.P(MD).No.14456 of 2023

Ramalingam

.. Petitioner

vs.

1.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai - 625 016.

2.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.

3.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the first respondent in order No.1004/Utha.



W.P.(MD)No.17267 of 2023

2/2023 dated 03.07.2023 and quash the same and consequently, direct the first respondent to release the petitioner's son namely Ravi, S/o.Ramalingam, Lct No.3316 in ordinary leave for 28 days without police escort, as per Rule 22 of the Suspension of Sentence Rules, 1982, amended Vide G.O(Ms.)No.205, Home (Prison V) Department, dated 25.04.2022.

For Petitioner : Mr.P.Karthick

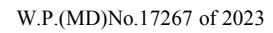
For respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

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

The petitioner, whose son had been sentenced to life imprisonment by Judgment of this Court in CrI.A(MD)No.161 of 2011 dated 04.03.2015 seeks for grant of ordinary leave for his son for a period of 28 days without police escort under Rule 22 of the Tamil Nadu Suspension of Sentence Rules, 1982.

2. The amended Rule 22 of the Tamil Nadu Suspension of Sentence Rules, 1982 prescribes that when the prisoner, who has been sentenced to life imprisonment, has completed three years of imprisonment, he would be



3. Admittedly, the petitioner's son has not availed any ordinary leave during his period of incarceration and has also completed eight years of imprisonment. As such, he would be eligible for ordinary leave, which he has sought for.

4. The procedure for grant of leave is prescribed under Rule 24 of Tamil Nadu Suspension of Sentence Rules, 1982, as per which, the Probation Officer has enquired into the feasibility of granting leave to the petitioner's son and has sent his report to the prison authorities. While doing so, the Probation Officer had also sought for the views of the local jurisdictional Police Station, in order to ascertain that the likelihood of breach of law and order, if any. While exercising such powers, the



probation officer has favourably recommended the case of the petitioner's son for grant of leave.

5. However, the Inspector of Police, Vilathikulam Police Station, Thoothukudi, through a letter dated 14.03.2023 has made a vague statement that if the petitioner's son is released on leave, there is likelihood that he would abscond and breach of law and order is also imminent. On what basis, such averments have been made has not been spelt out in the said letter. When the probation officer has visited the petitioner's son's residential area and had made a recommendation after due enquiries, though the local police may be entitled to express their views, a letter with a vague statement, without cogent reasons as to under what situation such breach of law and order would arise, is not justified. In view of such a vague statement, we are not inclined to accept the objections raised by the local police. Even otherwise, the apprehension of the local police can be set right, if the petitioner's son is subjected to the condition that he reports atleast twice a day before the respondent Police. Consequently, the petitioner's son would be entitled for leave sought for without police escort.



6. At this juncture, the learned counsel appearing for the petitioner would submit that though the petitioner has asked for grant of ordinary leave for a period of 28 days to his son, he would be satisfied if the petitioner's son is granted 20 days leave, in order to enable him to avail the remaining days of leave, at later point of time.

7. In the light of the above observations and findings, the impugned order passed by the first respondent in Order No.1004/Utha32/2023 dated 03.07.2023 is quashed. There shall be a direction to the second respondent herein to forthwith pass orders granting ordinary leave to the petitioner's son, namely, Ravi, S/o.Ramalingam, Lct.No.3316, for a period of twenty days, with effect from 24.07.2023, without police escort and it is left open to the second respondent to impose any reasonable condition. The petitioner's son shall surrender before the second respondent immediately after the period of ordinary leave expires. The petitioner's son shall report before the Inspector of Police, Vilathikulam Police Station Thoothukudi District, daily at 10.00 am and 05.00 pm, during his entire period of ordinary leave.



W.P.(MD)No.17267 of 2023

WEB COPY

8. Accordingly, this writ petition stands allowed. No costs.

Consequently, the connected miscellaneous petition is closed,

(M.S.R., J.)

(M.N.K., J.)

20.07.2023

NCC : Yes/No

Index : Yes/No

Speaking/Non-speaking order

mbi

To

- 1.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai - 625 016.
- 2.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.
- 3.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,



WEB COPY

Madurai Bench of Madras High Court,
Madurai.



W.P.(MD)No.17267 of 2023

M.S.RAMESH, J.
and
M.NIRMAL KUMAR, J.

mbi

W.P.(MD) No.17267 of 2023



WEB COPY



W.P.(MD)No.17267 of 2023

20.07.2023