



W.P.(MD).No.18433 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.09.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

W.P.(MD).No.18433 of 2023

Saraswathi

.. Petitioner/
Sister of the Prisoner

Vs.

The State represented by its,
1.The Additional Chief Secretary,
Home Department,
Secretariat,
Chennai – 600 001.

2.The Deputy Inspector General of Prison,
Madurai Range,
Madurai – 625 001.

3.The Superintendent,
Central Prison,
Palayamkottai – 627 007.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for records pertaining to



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the impugned order dated 22.06.2023 passed in No.3305/ThaKu.2/2023 passed by the 3rd respondent and quash the same and consequently directing the respondents to grant ordinary leave for 40 days without escort to the convict, Ashok @ Ashok kutty, S/o.Kottaisamy aged 38 years, Life Convict No.2567, detained at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner's brother, namely, Ashok @ Ashok Kutty (Life Convict No.2567) is a life convict prisoner, who is detained at Central Prison, Palayamkottai. When the petitioner had sought for grant of ordinary leave for her brother, her request came to be rejected through the impugned order dated 22.06.2023. Challenging the same, the present Writ Petition has been filed.



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2. One of the reasons for rejection of the petitioner's request seeking for grant of ordinary leave is that her brother is involved in two cases in C.C.No.222 of 2019 and C.C.No.21/2020, which are, admittedly, pending trial. Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982, provides that no prisoner, on whom a case is pending trial, shall be granted leave. When there is a specific prohibition under the Tamil Nadu Suspension of Sentence Rules for grant of ordinary leave to an under trial prisoner, we do not find any infirmity with the reasons assigned by the respondents in the impugned order of rejection.

3. At this juncture, the learned counsel for the petitioner would submit that owing to certain circumstances, the prisoner requires emergency leave. It is needless to point out that in case such a necessity arises for seeking emergency leave, it is always open to the prisoner to approach the prison authorities seeking for such grant of emergency leave through an appropriate application.



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4. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

(M.S.R.,J.) (M.N.K.,J.)
19.09.2023

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Additional Chief Secretary,
Home Department,
Secretariat,
Chennai – 600 001.
- 2.The Deputy Inspector General of Prison,
Madurai Range,
Madurai – 625 001.
- 3.The Superintendent,
Central Prison,
Palayamkottai – 627 007.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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