



W.P.(MD).No.18776 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.08.2023

CORAM

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

W.P.(MD).No.18776 of 2023

Rahamadullah Khan

.. Petitioner

Vs.

1.The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai.

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

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent Nos.1 and 2 to extend the ordinary leave grant to the petitioner in W.P.(MD).No.15076 of 2023 dated 07.07.2023, for further 20 days from 07.08.2023 to 27.08.2023 by considering the petitioner's representation dated 26.07.2023.



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For Petitioner : Mr.S.Mohamed Ali Jinnah
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner was earlier granted ordinary leave through orders passed by this Court in W.P.(MD).No.15076 of 2023 dated 07.07.2023, for the period between 19.07.2023 and 07.08.2023 on the ground that his wife is a heart patient. The present Writ Petition has been filed for extension of the ordinary leave for a further period of 20 days.

2. Under the proviso to Rule 22(2) of the Tamil Nadu Suspension of Sentence Rules, 1982, the prisoner would be entitled for a maximum period of 40 days of ordinary leave in one or two spells of any duration.

3. The learned Additional Public Prosecutor appearing for the respondents also would submit that there are no adverse remarks, when the



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petitioner had earlier gone on ordinary leave between 19.07.2023 and 07.08.2023 and that he has been reporting before the jurisdictional Police Station daily at 10.00 AM and 05.00 PM.

4. In the light of the above, we do not find any impediment as to why the petitioner should not be granted further extension of ordinary leave. Accordingly, the petitioner is granted ordinary leave for a period of 20 days, commencing from 08.08.2023, with the following conditions:

(i) The petitioner shall not leave the boundaries of Tirunelveli District during the period of ordinary leave and he shall appear before the Melappalayam Police Station, Tirunelveli, daily twice, i.e., at 10.00 AM and 05.00 PM, without fail.

(ii) On expiry of the 20 days ordinary leave period, the petitioner shall surrender before the second respondent herein immediately.

(iii) The second respondent herein is at liberty to impose any other reasonable conditions for the ordinary leave period and it is open to him to obtain the necessary bond from the petitioner herein.



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5. Accordingly, the Writ Petition is allowed. There shall be no order

as to costs.

(M.S.R.,J.) (M.N.K.,J.)
04.08.2023

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai.
- 2.The Superintendent of Prison,
Central Jail,
Palayamkottai,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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