



W.P.(MD)No.22502 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.01.2023

CORAM

**THE HON'BLE DR JUSTICE G.JAYACHANDRAN  
AND  
THE HON'BLE MR JUSTICE SUNDER MOHAN**

W.P.(MD)No.22502 of 2022

Sathya

.. Petitioner/wife of the  
detenu

Vs.

- 1.The State of Tamil Nadu,  
Represented by  
The Principal Secretary to the Government,  
Home, Prohibition and Excise Department,  
Fort St.George,  
Chennai-600 009.
- 2.The Director General,  
Prison and Correctional Services,  
State of Tamil Nadu,  
No.6, Whannels Road, Egmore,  
Chennai-600 008.
- 3.The Deputy Inspector General of Prisons,  
Madurai Range,  
A.A Road, Arasaradi,  
Madurai-625 016



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4.The Superintendent of Prison,  
Madurai Central Prison,  
Madurai District.

.. Respondents

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 grant ninety days ordinary leave to the petitioner's husband for the better treatment in private hospital by exemption under Rule 40 of the Tamil Nadu Suspension of Sentence Rules, 1982 by considering the petitioner's representation submitted to the respondents dated 29.07.2022 in accordance with law within the time stipulated by this Court.

For Appellant :Mr.R.Alagumani

For Respondents :Mr.A.Thiruvadikumar  
Additional Public Prosecutor

### **ORDER**

**DR. G.JAYACHANDRAN,J.**  
**AND**  
**SUNDER MOHAN,J.**

The writ petitioner is the wife of the convict Kannan, who is presently in Madurai Central Prison, undergoing the sentence imposed in S.C.No.126 of 2003 on the file of the learned Assistant Sessions Judge, Paramakudi and the same is being confirmed by the Additional Sessions Judge/Fast Track



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Court, Ramanathapuram C.A.No.29 of 2007 and reached finality on the dismissal of the revision petition, by this Court, on 26.08.2019. It is also brought to the notice of this Court that the convict preferred a Special Leave Petition in SLP (Criminal)Diary No.8758/2021 and the same was dismissed in limine.

2.The writ petitioner has submitted an application for ordinary leave of 90 days for her husband and it was rejected by the Prison Authority citing that the convict has not completed 2 years of sentence for considering the leave application.

3.The learned Additional Public Prosecutor appearing for the respondents submitted that two years period expired on 22.12.2022 and therefore, if fresh application is made by the convict or any person interested in him, the same will be considered in accordance with law.

4.Heard Mr.R.Alagumani, learned counsel appearing for the petitioner and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor appearing for the respondents. Perused the materials available on record.



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5.It is also brought to the notice of this Court that the detenu himself earlier sought for leave citing different reason and the Probation Officer has not given a favourable report. Therefore, if any fresh application is made by the petitioner on behalf of the convict citing proper reason, the same may be considered independently and appropriate orders be passed within a period of two weeks from the date of receipt of the representation.

6.With the above direction, this Writ Petition is disposed of. No costs.

**(G.J.,J.) (S.M.,J.)**  
**02.01.2023**

NCC:Yes/No  
Index:Yes/No  
Internet:Yes/No  
Ns



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- 4.The Superintendent of Prison,  
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Madurai District.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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