



W.P.(MD).No.22015 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.22015 of 2023

S.Uma Gandhi

.. Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Prisons Reformatory Department,
Trichy Range,
Tiruchirappalli – 620 023.

2.The Superintendent of Prisons,
Central Prison,
Tiruchirappalli – 620 020.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 2nd respondent in No.15385/த.சு. 4/2023 dated 17.08.2023 and quash the same as illegal and direct the second respondent to grant ordinary leave for 15 days without escort to the petitioner's husband namely A.K.Subbu @ K.Subramanian, (Prison Number is 23386) convict at Central Prison, Tiruchirappalli.



W.P.(MD).No.22015 of 2023

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner's husband, namely, A.K.Subbu @ K.Subramanian (C.P. No.23386) is a convict prisoner, who is detained at Central Prison, Tiruchirappalli. When the petitioner had sought for grant of ordinary leave for her husband, her request came to be rejected through the impugned order dated 17.08.2023. Challenging the same, the present Writ Petition has been filed.

2. The reason for rejection of the petitioner's request seeking for grant of ordinary leave is that her husband is involved in a case in C.C.No.28/2013, which is, admittedly, pending trial on the file of the learned Judicial Magistrate No.VI, Trichy. Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982, provides that no prisoner, on whom a



W.P.(MD).No.22015 of 2023

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 reason assigned by the respondents in the impugned order.

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.

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



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W.P.(MD).No.22015 of 2023

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W.P.(MD).No.22015 of 2023

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