



WP(MD)No.26243 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.(MD)No.26243 of 2023

K.Veerapandi

: Petitioner

Vs.

- 1.State of Tamil Nadu represented by
The Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Fort St. George,
Chennai – 600 009.
- 2.The Director General of Police/Director of
Prisons and Correctional Services,
C.M.D.A., Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai.
- 3.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road, Madurai – 625 016.



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4.The Superintendent of Prison,
Madurai Central Prison,
Madurai District – 625 016.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 3 to grant 7 days emergency leave to the petitioner in pursuance of Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982 for enabling the petitioner to attend the serious illness of the petitioner's 80 years old mother by name Rajammal on the basis of the petitioner's representation dated 16.10.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

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

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

Captioned Writ Petition has been filed in this Court on 25.10.2023.

2. Short facts shorn of granular particulars is that Writ Petitioner is a lifer ie., prison inmate, who is serving life sentence. Writ Petitioner is now incarcerated in Madurai Central Prison, Madurai District. Writ Petitioner



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stood trial vide S.C.No.353 of 2011 on the file of IV Additional District and Sessions Court, Madurai for alleged offences pertaining to Sections 148, 302 r/w 149, 307 r/w 149 of 'the Indian Penal Code, 1860 (Act 45 of 1860)' [hereinafter 'IPC' for the sake of brevity] and in and by an judgment dated 28.04.2017, the Writ Petitioner was acquitted. This judgment of acquittal was carried to this Court by the defacto complainant vide Crl.A. (MD)No.340 of 2017 which was allowed on 27.02.2020.

3. The Writ Petitioner carried the matter to Hon'ble Supreme Court.

4. In the aforesaid circumstances, Writ Petitioner resorting to Rule 6 of 'the Tamil Nadu Suspension of Sentence Rules, 1982' ['said Rules' for brevity] sought emergency leave citing poor health of his ailing mother. The plea of the Writ Petitioner in this regard is dated 16.10.2023 and Writ Petitioner has enclosed medical report of his mother to buttress the plea.

5. Learned counsel for Writ Petitioner submits that his plea is pending and that has necessitated the filing of captioned Writ Petition in this Court on 25.10.2023.



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6. Issue notice. Mr.A.Thiruvadi Kumar, learned State Additional Public Prosecutor accepts notice for all the four respondents and submits, on instructions, that Writ Petitioner's plea dated 16.10.2023 is under active consideration of the respondents and that the respondents will take a call within a fortnight from today ie., by 16.11.2023.

7. Let the respondents take a call as expeditiously as the business of the respondents would permit but in any event within a fortnight from today ie., by 16.11.2023.

8. Captioned Writ Petition is disposed of with the aforesaid directive. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]

02.11.2023

vsm

Neutral Citation : Yes

Index : Yes

PS: Though captioned Writ Petition is disposed of, list the matter under the cause list caption 'FOR REPORT' on 17.11.2023.

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4. The Superintendent of Prison,
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Madurai District – 625 016.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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