



W.P.No.886 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.886 of 2024

K. Imrose

... Petitioner

Vs.

The State represented by its

1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George, Chennai – 600 009.

2.The Additional Director General of Prison,
Vellore Range,
Vellore – 632 002.

3.The Superintendent,
Central Prison,
Cuddalore – 607 401.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to extend the ordinary leave for 20 days without escort to the detenue, Kasiviswanathan, S/o.Arulmani, aged about 34 years, Convict No.16986, detained at Central Prison, Cuddalore.



W.P.No.886 of 2024

For Petitioner : Dr.S. Manoharan
For Respondents : Mr.E. Raj Thilak,
Additional Public Prosecutor

ORDER

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

The petitioner's husband was earlier granted ordinary leave for 28 days commencing from 18.12.2023 to 14.01.2024, without escort. In the present Writ Petition, the petitioner seeks for extension of leave of her husband/detenu.

2. The learned Additional Public Prosecutor, submitted that the petitioner's husband would be entitled for 28 days leave which he has already availed and therefore, ordinary leave cannot be granted to him.

3. Under Rule 22(1) of the Tamil Nadu Suspension of Sentence Rules 1982, the petitioner's husband who was in prison for five years, would be entitled for a maximum of 28 days during one spell. Since the petitioner's husband has already availed the leave, he would not be entitled for extension of leave.



W.P.No.886 of 2024

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4. In view of the above, this Writ Petition stands dismissed. No costs.

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

12.01.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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To

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Fort St. George, Chennai – 600 009.

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