



WEB COPY



W.P.No.1449 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.1449 of 2024
and W.M.P.No.1473 of 2024

Durgadevi

...Petitioner / wife of the detenue

VS.

The State represented by its,

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

2. The Deputy Inspector General of Prison,
Trichy Range,
Trichy Central Prison,
Trichy-620 020.

3. The Superintendent,
Central Prison,
Trichy-620 020.

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing No.106/Mu Vu./2023, dated 26.12.2023, passed by the second respondent and quash the same and consequently, direct the respondents to grant ordinary leave for 30 days without escort to the detenue, Jeyakumar, S/o.Chinnaiya, aged about 32 years, Convict No.22991, detained at Central Prison, Trichy.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
Assisted by Mr.C.Aravind

ORDER

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

This writ petition has been filed to direct the respondents to grant ordinary leave for 30 days without escort to the detenu, Jeyakumar, S/o.Chinnaiya, aged about 32 years, Convict No.22991, detained at Central Prison, Trichy.



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2. The reason assigned in the impugned order of rejection, rejecting the petitioner's request for the grant of ordinary leave to her husband cannot be strictly found fault with since Rule 21 of the Tamil Nadu Suspension of Sentence Rules, 1982 entitles a life convict prisoner to seek ordinary leave only on completion of three years of imprisonment. However, in the instant case, it is the case of the petitioner that she got married to the life convict only two years back, and 10 days prior to the delivery of her daughter, he was convicted and sentenced to life imprisonment.

3. According to the learned counsel for the petitioner, the life convict has not seen his one year old daughter till date, and therefore, seeks leave.

4. Heard the learned counsel on either side and perused the documents.

5. We are inclined to accept the reason assigned in the petition, seeking for ordinary leave and allow this writ petition and permit the



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petitioner's husband / convict prisoner i.e., Jeyakumar, S/o.Chinnaiya, aged about 32 years, Convict No.22991, detained at Central Prison, Trichy, to avail ordinary leave for a period of 10 days without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Jeyakumar, S/o.Chinnaiya, aged about 32 years, Convict No.22991, detained at Central Prison, Trichy, on Ordinary Leave for a period of 10 days i.e., from 09.02.2023 to 19.02.2024.

(ii) The Convict Prisoner shall be released on 09.02.2023 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Trichy-620 020, on 19.02.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Annavasal Police Station, Pudukottai District, twice a week i.e., on every Monday and Thursday at 05.00 pm, during the period of leave.



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(iv) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

6. With the above directions, the writ petition stands allowed.

Consequently, the connected miscellaneous petition is closed.

(M.S.R.,J.) (S.M.,J.)
07.02.2024

Note to Registry:

- 1.Issue order copy by 08.02.2023.
- 2.Upload the order copy forthwith.

Anu

To

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

2.The Deputy Inspector General of Prison,
Trichy Range,
Trichy Central Prison,
Trichy-620 020.

3.The Superintendent,
Central Prison,
Trichy-620 020.



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and

SUNDER MOHAN, J

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4.The Inspector of Police,
Annavasal Police Station, Pudukottai District

5. The Additional Public Prosecutor,
High Court, Madras.

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