



WEB COPY



W.P.No.3313 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.3313 of 2024

Vairamani

... Petitioner/mother of the detenue

Vs.

The State represented by its

1.The Secretary to Government of Tamilnadu,
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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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing No.106/Mu.Vu./2023, dated 11.12.2023, 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, Jeeva, S/o.Chandirasekaran, aged about 27 years, Convict No.24135, 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.*)

The request of the petitioner to the jail authorities for grant of ordinary leave to her husband, who is a life convict, came to be rejected through the impugned order dated 11.12.2023 on the ground that since he has not completed three years of sentence, he is ineligible to seek ordinary leave.



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2. Under Rule 22 of the Tamil Nadu Suspension of Sentence Rules, a prisoner who has been sentenced for more than 14 years or a life convict, would be entitled to seek for grant of ordinary leave on completion of three years of sentence. Since the petitioner's husband has completed 1 year, 7 months and 17 days on the date of the impugned order came to be passed, the reason assigned by the respondents for rejecting the petitioner's claim cannot be found fault with. However, it is now brought to our notice that apart from the reason assigned in the petition that the presence of the petitioner's husband is required for arranging funds for school going children and also that her husband's sister is getting married on 26.02.2024, she has sought for grant of leave before us.

3. In the Probation Officer's report dated 20.02.2024, it is stated that since the petitioner's son is only three years old, admission to the school does not arise. We are not in agreement with such a reasoning adopted by the Probation Officer when admittedly the petitioner's son is three years old, he may be entitled to admit his son in school for the



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ensuing year for which financial arrangements requires to be made in advance. This aspect, since has not been considered by the Probation Officer, we are of the view that the petitioner's request can be considered on the ground that his presence may be required for arranging funds for his son's education.

4. Hence, by invoking the powers under Article 226 of the Constitution of India, we are inclined to order the present Writ Petition, by granting six (6) days of emergency leave, which the petitioner's husband may be otherwise entitled to, as per the instructions of the respondents.

5. Accordingly, there shall be a direction to the third respondent herein, to forthwith pass orders, granting emergency leave to the petitioner's husband, for a period of 6 days, commencing from 10.00 am on 24.02.2024 to 5 pm of 29.02.2024. On expiry of the emergency leave without escort, the detenu shall surrender before the prison authorities. During the period of this emergency leave, the petitioner's husband shall report before the Vangal Police Station, Karur District, everyday at 10.30



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6. With the above directions, the Writ Petition stands ordered. No costs.

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

23.02.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

Note: Issue Order Copy Today.

To

1.The Deputy Inspector General of Prison,
Coimbatore Zone, Coimbatore.

2.The Superintendent,
Central Prison,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.

Anu

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