



WEB COPY



W.P.No.4113 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

**W.P.No.4113 of 2024**

D.Selvakani

... Petitioner

***Vs.***

1.The State of Tamilnadu,  
Rep. by the Principal Secretary to Government,  
Home (Prison V) Department,  
Secretariat, Fort St.George,  
Chennai-600 009.

2.The Director General of Prison,  
Gandhi Edwin Road,  
Egmore,  
Chennai-600 008.

3.The Superintendent of Prison,  
Central Prison (Puzhal),  
Chennai.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to grant three months ordinary leave to the petitioner's husband namely Daniel, S/o.Yuvan, who has undergone for more than five years of imprisonment as per Rule 40 of the Tamilnadu Suspension of Sentence Rules, 1982 by considering her representation dated 25.01.2024.

For Petitioner

: Mr.Raghunatha Sethupathy.B



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For Respondents : Mr.E.Raj Thilak,  
Additional Public Prosecutor

**ORDER**

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

The petitioner, who is the wife of the life convict viz., Daniel, S/o.Yuvan, now confined at Central Prison, Puzhal, Chennai, has come forward with this writ petition seeking premature release.

2.The petitioner states that her husband was convicted by the learned Additional Sessions Judge, Poonamallee, Chennai vide Judgement dated 27.04.2004 in S.C.No.11 of 2003 and sentenced to undergo five years of rigorous imprisonment. Further, the petitioner's husband was convicted and sentenced to undergo life imprisonment for the offence under Section 302 IPC vide judgement dated 19.02.2009 made in Crl.A.Nos.637 and 748 of 2004. It is the further submission of the petitioner that her husband has been in incarceration for more than five years in Central Prison, Puzhal, Chennai. Therefore, she made a representation dated 25.01.2024 to the respondents seeking premature release of her husband. Since the same has not been considered till date, he has come forward with this writ petition.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



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4. Having regard to the limited scope of the prayer in the writ petition, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this writ petition, directs the respondents to consider the representation of the petitioner dated 25.01.2024, seeking premature release and pass appropriate orders on merits and in accordance with law, within a period of two (2) weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.

5. With the above direction, this writ petition is disposed of. No costs.

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

20.02.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

*Anu*



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**M.S.RAMESH, J.**  
**and**  
**SUNDER MOHAN, J.**

*Anu*

To

1.The Principal Secretary to Government,  
Home (Prison V) Department,  
Secretariat, Fort St.George,  
Chennai-600 009.

2.The Director General of Prison,  
Gandhi Edwin Road,  
Egmore,  
Chennai-600 008.

3.The Superintendent of Prison,  
Central Prison (Puzhal),  
Chennai.

4.The Public Prosecutor,  
High Court, Madras.

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