



W.P.No.6373 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.6373 of 2024
and W.M.P.No.7094 of 2024

R.Subramanian

... Petitioner

Vs.

1.The Superintendent of Police,
Central Prison-1,
Puzhal, Chennai.

2.The Inspector General,
Department of Prison and Correctional Service,
Monteith Road, Egmore,
Chennai.

3.State rep. by,
The Deputy Superintendent of Police,
Economic Offences Wing – II,
Guindy, Chennai – 600 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records



W.P.No.6373 of 2024

issued by 1st respondent in Letter No.1673/த.கு.2/2024 dated 13.02.2024 and quash the same and directing the 1st respondent to grant leave of 30 days to the petitioner.

For Petitioner : Mr.R.Subramanian (party in person)

For R1 to R3 : 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 petitioner's request for grant of ordinary leave for a period of 30 days has been rejected through the impugned order dated 13.02.2024, on the sole ground that he has not completed 3 years of imprisonment and therefore, he is ineligible for leave under Rule 22(c) of the Tamil Nadu Suspension of Sentence Rules, 1982.

2. The reason assigned by the petitioner in his application, seeking for leave from the Jail Authority is that he has to conduct an appeal in Crl.A.No.1413 of 2023 pending before this High Court, in person.

3. It is common knowledge that the hearing of appeals is by virtual, as well as by physical mode and this Court has been consistently



W.P.No.6373 of 2024

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encouraging appearances of the counsels/parties in person through video conferencing. While that being so, the petitioner cannot insist that he would conduct the appeal only through physical mode, more particularly, when he is ineligible to avail ordinary leave under the provisions of the Tamil Nadu Suspension of Sentence Rules, 1982.

4. Thus, when the petitioner has not completed three years of imprisonment, he would be ineligible to seek for grant of ordinary leave and therefore, the reason assigned in the impugned order cannot be found fault with.

5. Hence, this Writ Petition stands dismissed, with liberty to the petitioner to conduct CrI.A.No.1413 of 2023 through virtual mode. The Jail Authority shall facilitate the petitioner to appear through video conferencing, as and when his appeal is listed before the High Court. No costs. Connected miscellaneous petition is closed.

[M.S.R., J]

[S.M., J]

27.03.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No



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W.P.No.6373 of 2024



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W.P.No.6373 of 2024

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

Sni

To

1.The Superintendent of Police,
Central Prison-1,
Puzhal, Chennai.

2.The Inspector General,
Department of Prison and Correctional Service,
Monteith Road, Egmore,
Chennai.

3.The Deputy Superintendent of Police,
Economic Offences Wing – II,
Guindy, Chennai – 600 032.

4.The Public Prosecutor,
High Court, Madras.

W.P.No.6373 of 2024

27.03.2024