



W.P.No.6672 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.6672 of 2024

S.Chinnaponnu

...Petitioner

vs.

1.The State of Tamil Nadu

Rep.by the Secretary to the Government,
Home, Prohibition and Excises Department,
Secretariat, Chennai – 600 009.

2.The Inspector General of Prison,

Officer of the Inspector General of Prison,
Gandhi Irvin Road,
Egmore, Chennai – 600 008.

3. The Superintendent of Prison,

Central Prison,
Cuddalore – 607 401.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for a Writ of Certiorarified Mandamus, to call for records of the
third respondent's proceedings vide En.1665/tha.ku2/2024 dated 30.01.2024



W.P.No.6672 of 2024

and quash the same, consequently direct the third respondent to give parole to the petitioner's son Sundarajan and to release the petitioner's Son Sundarajan C/o.Samuvel, Life Convict, Ct.No.14114, aged about 37 years, now confined in the Central Prison, Cuddalore on Emergency leave for one month without escort.

For Petitioner : Mr.P.Saravanan

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 petitioner's request for emergency leave had not been considered in time, which has led to the filing of this Writ Petition, seeking to direct the respondents to grant emergency leave for one month without escort to the Life Convict, viz., Sundarrajan C/o. Samuvel, aged about 37 years bearing Convict No.14114 confined at Central Prison, Cuddalore.

2. Today, when the matter was called, the learned Additional Public Prosecutor, on written instructions, submitted that the Life Convict was earlier released on 28 days of ordinary leave by the Deputy Inspector



W.P.No.6672 of 2024

General on 02.11.2023, and he had returned on 29.11.2023. Rule 22 (3) of the Tamil Nadu Suspension of Sentence Rules, 1982, which provides that *"the prisoner shall be granted the second or subsequent spell of ordinary leave not exceeding the period mentioned in Sub Rule (2) above, after the completion of one year of imprisonment from the date on which he returns from the last ordinary leave"*. Therefore, the petitioner herein is not eligible for grant of ordinary leave.

3. In consideration of such submission, we are of the view that the reasoning adopted by the respondents cannot be strictly found fault with.

4. However, the learned counsel for the petitioner had placed reliance on certain medical reports of the petitioner and submitted that there is an imminent requirement of her son's presence to take care of her, and that if the leave is not granted, serious prejudice would be caused to her.

5. We have perused the medical reports submitted before us and we



W.P.No.6672 of 2024

are of the view that the petitioner's request for grant of ordinary leave could be restricted for a period of 28 days, in exercise of our powers under Article 226 of the Constitution of India.

6. According, we are inclined to permit the petitioner's son/ Life Convict viz., Sundarrajan C/o. Samuel, aged about 37 years bearing Convict No.14114 confined at Central Prison, Cuddalore, to avail ordinary leave for a period of 28 days without escort, on the following conditions.

(i) Respondents are directed to release the Life Convict viz., Sundarrajan C/o. Samuvel, aged about 37 years bearing Convict No.14114 confined at Central Prison, Cuddalore, on Ordinary Leave for a period of 28 days i.e., from 26.04.2024 to 23.05.2024.

(ii) The Convict Prisoner shall be released on 26.04.2024 at 10.00 am and surrender before the Superintendent of Prisons, Central Prison Cuddalore, on 23.05.2024 at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Tirumanoor Police Station, Ariyalur District, twice a



W.P.No.6672 of 2024

week i.e., on every Monday and Thursday at 05.00 pm, during the period of leave.

(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.

7. With the above directions, the Writ Petition stands allowed.

(M.S.R.,J.) (S.M.,J.)
22.04.2024
(1/2)

Note to Registry:

- 1.Issue order copy by 25.04.2024.
 - 2.Upload the order copy forthwith.
- dk

To

- 1.Secretary to the Government,
Home, Prohibition and Excises Department,
Secretariat, Chennai – 600 009.



WEB COPY



W.P.No.6672 of 2024

M.S.RAMESH, J

and

SUNDER MOHAN, J

dk

2. The Inspector General of Prison,
Officer of the Inspector General of Prison,
Gandhi Irvin Road,
Egmore, Chennai – 600 008.

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

4. The Public Prosecutor,
High Court, Madras.

W.P.No.6672 of 2024

22.04.2024

(1/2)