



WEB COPY



W.P.No.5682 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.5682 of 2024

K.P. Mohammed Faisal

... Petitioner

Vs.

1. The State represented by its

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

2. The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore 641 018.

3. The Superintendent,
Central Prison, Coimbatore 641 018

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified Mandamus, to call for the records pertaining to the impugned order bearing No. 1805/Tha.ku.3/2024 dated 02.02.2024, passed by the 3rd respondent and quash the same and



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consequently direct the 1st and respondent to grant ordinary leave for 30 days without escort to the detenu, Abdul Nasar, S/o. Mohammed, aged about 47 years, bearing Convict No.23003 confined at Central Prison, Coimbatore.

For Petitioner : Mr.P. Bakiyaraj
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.**)

To the petitioner's request for grant of ordinary leave for his brother, namely Abdul Nasar, S/o. Mohammed, aged about 47 years, who is the life convict prisoner, bearing Convict No.23003, now confined in the Central Prison, Coimbatore, the 3rd respondent herein has rejected the same through the impugned order dated 02.02.2024. Challenging the same, the present Writ Petition has been filed.

2. By consent of both the parties, the matter is taken up for final disposal today.



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3. It is seen from the impugned order that the petitioner's request has been rejected on the sole ground that since the life convict prisoner had not completed three years of imprisonment, he is not eligible for grant of leave in accordance with Rule 22 of the Tamil Nadu Suspension of Sentence Rules 1982. The order came to be passed on 02.02.2024, on which time the life convict prisoner had completed only two years and eleven months and 12 days of imprisonment. However, as on date, he had completed three years of imprisonment and therefore, he would be eligible to seek for ordinary leave. Accordingly, we are of the view that the 3rd respondent herein can be directed to reconsider the petitioner's representation dated 23.01.2024 in accordance with law.

4. Accordingly, the impugned order bearing No. 1805/Tha.ku.3/2024 dated 02.02.2024, passed by the 3rd respondent, is quashed and the matter is remitted back to the 3rd respondent for reconsideration. While reconsidering the petitioner's representation dated 23.01.2024, the 3rd respondent herein shall pass appropriate orders on its own merits and in



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accordance with law within a period of two 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]
06.03.2024

bga

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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