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W.P.No.7608 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM :

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

W.P.No.7608 of 2024

A.Rani

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary,
Department of Home,
Fort St.George,
Chennai – 600 009.

2.The Inspector General of Prisons,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st and 2nd respondents to consider the petitioner's representation dated 18.03.2024 in pursuance to the communication of 1st and 3rd respondents dated 18.03.2024 and thereby consequently direct the 1st and 3rd respondents to



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extend the leave for 30 days from 21.03.2024 to 20.04.2024 to the detenu Aruldoss, S/o.Ponnusamy, now confined in Central Prison in Cuddalore.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

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

Through an earlier order dated 28.02.2024, passed in W.P. No.2595 of 2024, we had granted 21 days of ordinary leave to the convict prisoner, namely Aruldoss, S/o.Ponnusamy, aged about 69 years, Convict No.16525, without escort, for the period between 01.03.2024 and 21.03.2024, with a condition that the convict prisoner should appear before the concerned jurisdictional police, twice a week on every Monday and Thursday at 05.00. p.m.

2. In the present Writ Petition, the petitioner seeks for a direction to the respondents to consider her representation dated 18.03.2024,



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requesting to extend the ordinary leave of her husband/convict prisoner, for a further period of 30 days from 21.03.2024.

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3. The learned Additional Public Prosecutor submitted that the convict prisoner is eligible for totally 28 days leave, out of which, he has already availed 21 days leave. Hence, he is eligible for only 7 days leave now.

4. The reason assigned by the petitioner for extension of leave to her husband is that she needs fund for her cancer treatment for which she requires his presence for a further time to arrange the funds

5. Under Rule 22(2)(b) of the Tamil Nadu Suspension of Sentence Rules, 1982, the prisoner shall be entitled for ordinary leave for a period of 21 days during the 4th and 5th years of imprisonment and not exceeding 28 days during the rest of the term of imprisonment. In the instant case, the convict prisoner has been sentenced to life imprisonment and he has been in prison for over 5½ years. Therefore, in terms of Rule 22(2)(b) of the Tamil Nadu Suspension of Sentence Rules, 1982, the



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convict prisoner would be entitled to a total number of 28 days of ordinary leave. Since he has already been granted ordinary leave for a period of 21 days, he would still be eligible for seven more days.

6. Accordingly, the convict prisoner namely, Aruldoss, S/o.Ponnusamy, aged about 69 years, Convict No.16525, is granted ordinary leave, ***without escort***, for a further period of 7 days, commencing from 22.03.2024 to 28.03.2024. During the period of this ordinary leave, the convict prisoner shall report before G3 Kilpauk Police Station, Chennai, twice i.e. on Saturday and Wednesday at 10.30 a.m. On expiry of the ordinary leave, the convict prisoner shall surrender before the Jail Authority on 28.03.2024 by 5.30 p.m.

7. With the above directions, the Writ Petition stands partly allowed. No costs.

[M.S.R., J]

[S.M., J]

20.03.2024

Index: Yes/No

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Issue Order Copy by 22.03.2024



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To

- 1.The Secretary,
Department of Home,
Fort St.George,
Chennai – 600 009.
- 2.The Inspector General of Prisons,
Egmore, Chennai – 600 008.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
- 4.The Public Prosecutor,
High Court, Madras.



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