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W.P.No.14597 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM :

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

W.P.No.14597 of 2024

Rajakumari

... Petitioner

Vs.

1. The Deputy Inspector General of Prisons
Chennai Range
Prison Head Quarters
Whannels Road
Egmore, Chennai 600 008

2. The Superintendent of Prisons
Central Prison-1
Puzhal, Chennai 600 066

... 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 21 days ordinary leave without escort to the petitioner's husband namely Velu S/o.Murugesan, aged about 45 years, Convict Prisoner, Central Prison, Puzhal, Chennai.

For Petitioner

: Ms.S.Nadhiya



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For Respondents

: Mr.A.Gokulakrishnan
Additional Public Prosecutor
Assisted by Mr.C.Aravind

ORDER

M.S.RAMESH, J.

and

SUNDER MOHAN, J.

The request of the petitioner to the jail authorities for grant of ordinary leave to her husband, who is a life convict, came to be rejected by the respondents on the ground that the prisoners who are sentenced to imprisonment for life should complete three years imprisonment from the date of conviction to be eligible for ordinary leave as per Rule 22(C) of Tamil Nadu Suspension of Sentence Ruls 1982 as amended in G.O.(Ms) No.205 Home (Prison-V) Department dated 25.04.2022, and the petitioner's husband is not eligible for ordinary leave as he has not completed three years of his sentence.

2. As per Rule 22(C) of Tamil Nadu Suspension of Sentence Ruls 1982 as amended in G.O.(Ms) No.205 Home (Prison-V) Department dated 25.04.2022, a prisoner who has been sentenced for more than 14 years or a life convict, would be entitled to seek for grant of ordinary leave on completion of three years of sentence. Since the petitioner's



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husband has completed only 2 years, 4 months on the date of the representation, he is not eligible for such leave. The reason assigned by the Probation Officer for the petitioner's claim cannot be found fault with. However, it is now brought to the notice of this Court that apart from the reason assigned in the petition that the presence of the petitioner's husband is required for arranging funds for medical expenses to her hence she has sought for grant of leave before us.

3. In the Probation Officer's report dated 19.06.2024, it is stated that even though the petitioner's husband is not entitled for grant of ordinary leave as he has not completed three years of his sentence, the reasons assigned in the representation are true and genuine and the convict prisoner can be granted ordinary leave. We are not in agreement with such a reasoning adopted by the Probation Officer and we are of the view that the petitioner's request can be considered on the ground that her husband's presence is required for arranging funds for her medical expenses and livelihood.

4. Hence, by invoking the powers under Article 226 of the



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Constitution of India, we are inclined to allow the present Writ Petition, by granting ten (10) days ordinary leave, which the petitioner's husband may be otherwise entitled to, as per the instructions of the respondents.

5. Accordingly, there shall be a direction to the respondents herein, to forthwith pass orders, granting ordinary leave to the petitioner's husband, for a period of 10 days, commencing from 25.06.2024 at 10.00 a.m. to 5.00 p.m. of 04.07.2024. On expiry of the ordinary leave without escort, the detenu shall surrender before the prison authorities. During the period of this emergency leave, the petitioner's husband shall report before the G-2, Esplanade Police Station, Karur District twice a week i.e. on Monday and Friday at 10.30 a.m.

6. With the above directions, the Writ Petition stands ordered. No costs.

[M.S.R., J] [S.M., J]
20.06.2024

kas

Note: Issue Order Copy on 24.06.2024

To



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Chennai 600 008

2. The Superintendent of Prisons
Central Prison-1
Puzhal
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3. The Public Prosecutor
High Court of Madras
Chennai 600 104



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