



WEB COPY



W.P.No.14635 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.14635 of 2024
and WMP.No.15902 of 2024

Ethaya

... Petitioner

Vs.

1.The State represented by its,
The Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore-641 018.

2.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 Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order bearing No.9093/Tha.Ku.3/2024, dated 10.05.2024, passed by the 2nd respondent and quash the same and consequently direct the respondents to grant ordinary leave for 30 days without escort to the detenue, Sathishkumar,



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S/o.Pichaikani, aged about 40 years, convict prisoner, bearing Convict No.22423 confined at Central Prison, Coimbatore.

For Petitioner : Mr.M.Ezhilaraso
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

(Order of the Court was made by *M.S.RAMESH, J.*)

The above Writ Petition has been filed, seeking for the issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order bearing No.9093/Tha.Ku.3/2024, dated 10.05.2024, passed by the 2nd respondent and quash the same and consequently direct the respondents to grant ordinary leave for 30 days without escort to the detainee, Sathishkumar, S/o.Pichaikani, aged about 40 years, convict prisoner, bearing Convict No.22423 confined at Central Prison, Coimbatore.

2. As per the Tamil Nadu Suspension of Sentence Rule No.35, the



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prisoner against whom cases are pending trial, would not be eligible for grant of ordinary leave. In the Probation Officer's Report dated 16.06.2024, it is stated that there are nine (9) cases pending against the above referred prisoner.

3.This apart, under Rule 21(h)(3) (Amended), the prisoner who has been convicted for smuggling of commercial quantity of NDPS, would also be ineligible for leave. Since the petitioner has been convicted for the offences under NDPS Act also, he would be ineligible to seek for ordinary leave. Hence, there are no merits in the petition.

4.The Writ Petition stands dismissed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R., J]

[S.M., J]

20.06.2024

Index: Yes/No
Neutral Citation
kas

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



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To

- 1.The Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore-641 018.
- 2.The Superintendent,
Central Prison,
Coimbatore-641 018.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

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