



WEB COPY



W.P.No.17991 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.17991 of 2024
& WMP.No.20289 of 2024

Vasanthi

... Petitioner

Vs.

The State represented by its,
1.The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore – 641 018.

2.The Superintendent,
Coimbatore 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.10136/Tha.Ku3/2024, dated: 31.05.2024, passed by the 2nd respondent and quash the same and



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consequently direct the 1st respondent to grant ordinary leave for 30 days without escort to the detenue, Navaneethakrishnan, S/o.Rathinasami aged about 35 years, bearing Convict No. 16412 at Central Prison, Coimbatore.

For Petitioner : Mr.P.Bakiyaraj
For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

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

The petitioner's request for grant of leave for her husband was rejected through the impugned order dated 31.05.2024 on the ground that there is a bar under Section 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1982, since he was convicted for the offences under Sections 392 IPC. Challenging the same, she has moved the present Writ Petition seeking for grant of 30 days ordinary leave to her husband.

2.Rule 21(b) of the Suspension of Sentence Rules, 1982 places an embargo on the life convict prisoners to seek for leave when they are convicted for the offences between Sections 392 to 402 IPC. In view of the



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ineligibility of the life convict prisoner to seek for leave, the reason assigned in the impugned order cannot be found fault with.

3.Even otherwise, the Probation Officer in his report dated 19.07.2024 has stated that if the convict prisoner is granted ordinary leave, there could be a threat from the complainant party.

4.In view of the negative report of the Probation Officer as well as the bar under Rule 21(b) of the Suspension of Sentence Rules, we do not find any reasons to interfere with the impugned order and accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R., J] [S.M., J]
22.07.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Tsg



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

Tsg

To

The State represented by its,
1.The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore – 641 018.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 641 018.

3.The Public Prosecutor,
High Court, Madras.

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