



W.P.No.18280 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.18280 of 2024
& WMP.No.20061 of 2024

S.Kalarani

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and excise Department,
Secretariat, Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Vellore Range, Vellore – 2.

3.The Superintendent of Prison,
Central Prison, Cuddalore – 4.

... 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 No.6051/ThaKu.2/2024 dated 18.4.2024 passed by respondent



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No.3, and quash the same and consequently direct the respondents to grant 30 days ordinary leave tot he petitioner's husband Mr.Apple (a) Sivaraman S/o Jeganathan, aged about 45 years, Ct.No.14615, now confined in the Central Prison, Cuddalore.

For Petitioner : Mr.P.Pugalenth
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 18.04.2024 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 and 397 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



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convicted for the offences under Section 392 and 397 IPC. In view of the ineligibility of the life convict prisoner to seek for leave, the reason assigned in the impugned order cannot be found fault with.

3.If is also brought to our notice that the life convict prisoner was very recently granted 30 days of leave through an order passed by this Court on 03.07.2023 in W.P.No.19595 of 2023 for the period from 05.07.2023 to 04.08.2023.

4.In view of the same, the prayer sought for in the Writ Petition does not require consideration and accordingly, the same 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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and
SUNDER MOHAN, J.

Tsg

To

1.The Principal Secretary to Government,
Home, Prohibition and excise Department,
Secretariat, Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 2.

3.The Superintendent of Prison,
Central Prison,
Cuddalore – 4.

4.The Public Prosecutor,
High Court, Madras.

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