



WEB COPY



W.P.No.18561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Keerthana

... Petitioner/wife of the detenue

Vs.

The State represented by its,

1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.

2.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore-641 018.

3.The Superintendent,
Central Prison,
Coimbatore-641 018.

... Respondents



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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 ordinary leave for 30 days without escort to the detinue, Tamizhnesan, S/o.Subramaniyan, aged about 38 years, bearing Convict No.23418 confined at Central Prison at Coimbatore.

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

ORDER

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

The petitioner's husband is a convict prisoner, who was convicted for the offence under Section 5 of TNPID Act and was sentenced to undergo 10 years SI and fine of Rs.15,000/- (110 counts) in default to undergo SI for 1 year; under Section 420 IPC, he was sentenced to undergo 3 years SI and fine of Rs.15,000/- (110 Counts) in default to undergo SI for 1 year; under Section 120(b) IPC, he was sentenced to undergo 2 years SI and fine of Rs.15,000/- (110 counts) in default to undergo 1 year SI; under Section 420



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IPC & 5 of TNPID Act and imposed fine of Rs.11,00,000/- in default to undergo 1 year SI (each section) and under Section 420 IPC & 5 TNPID Act and imposed fine of Rs.33,00,000/- in default to undergo SI for 1 year (each section) in C.C.No.21 of 2012 by the learned Special Judge, TNPID Court, Coimbatore on 05.08.2021. Now, on the ground that the petitioner requires the presence of her husband/convict prisoner to take care of her during her pregnancy, she has sought for 30 days ordinary leave for her husband. She has given a representation dated 24.05.2024 in this regard and since the same has not been considered till date, she has filed the present Writ Petition.

2. The learned counsel for the petitioner submitted that the convict prisoner has undergone 01 year 05 months and 7 days of imprisonment.

3. Learned Additional Public Prosecutor submitted that as per Tamil Nadu Suspension of Sentence Rules, 1982, Rule No.22 as ammended, the convict prisoner is not entitled for ordinary leave since, at the time of petitioner's representation on 24.05.2024, he had not completed 2 years of



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actual imprisonment from the date of admission to prison as a convict.

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4. In view of the fact that the prisoner has undergone 01 year 05 months and 7 days of sentence out of the total sentence of 10 years, he is ineligible to claim any leave under Tamil Nadu Suspension of Sentence Rules, 1982.

5. Accordingly, this Writ Petition stands dismissed. No Costs.

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

23.07.2024

Index: Yes/No
Speaking/Non-speaking order
Anu

To

1. The Secretary to the Government of Tamil Nadu,
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2. The Deputy Inspector General of Prison,
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3.The Superintendent,
Central Prison,
Coimbatore-641 018.

4.The Public Prosecutor,
High Court, Madras.



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

Anu

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