



WEB COPY



W.P.No.28221 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.28221 of 2024
and
W.M.P.No.30773 of 2024

R.Subramanian

... Petitioner

Vs.

- 1.The Principal Secretary,
Home, Prohibition and excise Department,
Government of Tamil Nadu,
Namakkal, Kavignar Maaligai,
Fort St. George, Chennai – 600 009.
 - 2.The Director General of Prisons and Correctional Services,
Whannels Road, Egmore,
Chennai – 600 008.
 - 3.The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai,
Tamil Nadu – 600 066.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, directing the 3rd respondent in



W.P.No.28221 of 2024

respect of petitioner's Application dated 05.08.2024 seeking leave of 30 days and direct the respondents to forthwith grant 30 days leave to petitioner.

For Petitioner : Mr.R.Subramanina, party-in-person
For Respondent : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

The writ of mandamus has been instituted to direct the Superintendent of Police, Central Prison – I, Puzhal to grant 30 days leave to the petitioner.

2. The petitioner is the convict prisoner lodged in Central Prison - I Puzhal, Chennai. The petitioner in person would submit that he was convicted on 20.11.2023 and undergoing imprisonment for the past about 11 months. Therefore, he is not eligible to avail ordinary leave under the Rules. He made an application to the 3rd respondent seeking leave on the ground that he has to number the SLP filed by him against the conditional bail order and the appeal is yet to be numbered. He found it difficult to number the said SLP, since he is lodged in prison. Therefore, he made a request to the authorities to grant leave enabling him to number the SLP by appearing before the Registry of the Supreme Court and argue the case before the Hon'ble Supreme Court in person.



W.P.No.28221 of 2024

WEB COP 3. The learned Additional Public Prosecutor would oppose by stating that in respect of the conditional bail order, the co-convict paid the conditional amount of Rs.2 crores and has the benefit of suspension of sentence. However, the petitioner herein has not paid the conditional amount and made an appeal. He can appear before the Hon'ble Supreme Court through Video Conferencing and the jail authorities are providing such facilities already to the petitioner/prisoner. They are ready to extend cooperation to the prisoner enabling him to appear before the Hon'ble Supreme Court through Video Conferencing. Further apprehension raised by the respondents are that there is a possibility of tampering of depositors. The money laundering case registered in PMLA is also pending. The petitioner has not stated how he will travel over to Delhi and make arrangements for the purpose of numbering the appeal and appear before the Hon'ble Supreme Court.

4. We are of the considered opinion that the petitioner/ prisoner is a seasoned lawyer and was practicing in the High Court of Madras and the Hon'ble Supreme Court of India. Therefore, he can get the appeal numbered either through lawyers or through legal aid service already available in prison. Regarding appearance before the Hon'ble Supreme Court, the jail authorities



W.P.No.28221 of 2024

have ensured that facilities will be provided to the petitioner enabling him to appear through Video Conferencing to represent his case before the Hon'ble Supreme Court. The learned Additional Public Prosecutor would also submit that in the event of any request on the side of the petitioner/ prisoner, the jail authorities will assist him for speedy disposal of the papers.

5. When such facilities are extended to the prisoner, the present application deserves no merits. The petitioner admittedly is not eligible to avail ordinary leave, since he has not completed one year of imprisonment which is a pre-condition under the Rules for grant of leave. We find no ground, hence this writ petition is **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

[S.M.S., J.]

[V.S.G., J.]

03.10.2024

Index: Yes/No

Speaking/Non-speaking order

dsa



W.P.No.28221 of 2024

To

1. The Principal Secretary,
Home, Prohibition and excise Department,
Government of Tamil Nadu,
Namakkal, Kavignar Maaligai,
Fort St. George, Chennai – 600 009.
2. The Director General of Prisons and Correctional Services,
Whannels Road, Egmore,
Chennai – 600 008.
3. The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai,
Tamil Nadu – 600 066.
4. The Public Prosecutor,
Madras High Court,
Chennai - 104.



WEB COPY



W.P.No.28221 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

dsa

W.P.No.28221 of 2024

03.10.2024