



WEB COPY



W.P.No.35398 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2024

CORAM:

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

W.P.No.35398 of 2024

Thilagavathi

... Petitioner

Vs.

1.The Inspector General of Prisons,
Vellore Range, Vellore – 02.

2.The Superintendent of Prison,
Central Prison,
Cuddalore - 04.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records No.15564/Tha Ku 2/2024 dated 10.10.2024 passed by 2nd respondent and quash the same and consequently direct the respondents to grant 15 days ordinary leave to the petitioner's husband Mr.Parthipan, S/o.Pazhani, aged 31 years, life convict, Ct.No.17530, (PID No.174038), Central Prison, Cuddalore.



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For Petitioner : Mrs. Deepika
for Mr. K. Raveendran

For Respondents : Mr. R. Muniyapparaj
Additional Public Prosecutor

ORDER

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

The order rejecting the leave application through proceeding dated 10.10.2024, is sought to be assailed in the present Writ Petition.

2. The petitioner is the wife of the life convict. An application was filed seeking ordinary leave under the Suspension of Sentence Rules. Since the prisoner is a life convict and has undergone imprisonment for 1 year and 19 days, he is not eligible to avail medical leave under the Rules. Further, he will be eligible to avail ordinary leave only after undergoing 3 years of actual imprisonment.

3. The Probation Officer has submitted a report dated 25.11.2024, which would reveal that there is a strong objection from the victim's family who is residing near the prisoner's house and that there is an apprehension



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to life. The Probation Officer recorded the said reason based on the inquiry conducted.

4. Taking note of all the facts and circumstances, we are not inclined to consider the present petition.

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

(S.M.S, J.)

(M.J.R, J.)

13.12.2024

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

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To

1.The Inspector General of Prisons,
Vellore Range,
Vellore – 02.

2.The Superintendent of Prison,
Central Prison,
Cuddalore - 04.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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