



W.P.No.36514 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.36514 of 2023

S.Saranya

...Petitioner / Wife of the Detenue

vs.

1.The State represented by its,
The Deputy Inspector General of Prison,
Puzhal Range, Chennai.

2.The Superintendent,
Puzhal Central Prison,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for a Writ of Mandamus, directing the respondents to grant ordinary
leave for 40 days without escort to the detenue, Suresh S/o.Jayaraman, aged
about 34 years bearing Convict No.5960 confined at Central Prison, Puzhal.



W.P.No.36514 of 2023

For Petitioner : Ms.S.Sadhana
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
Assisted by Mr.C.Aravind

ORDER

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

The petitioner's request for ordinary leave had not been considered in time, which has led to the filing of this Writ Petition, seeking to direct the respondents to grant ordinary leave for 40 days without escort to the detainee, Suresh S/o.Jayaraman, aged about 34 years bearing Convict No.5960 confined at Central Prison, Puzhal.

2.Today, when the matter was called, the learned Additional Public Prosecutor, on written instructions, submitted that the petitioner was earlier released on 28 days of ordinary leave by the Deputy Inspector General on 06.05.2023, and he had returned on 04.06.2023. Rule 22 (3) of the Tamil Nadu Suspension of Sentence Rules, 1982, which provides that "*the prisoner shall be granted the second or subsequent spell of ordinary leave not exceeding the period mentioned in Sub Rule (2) above, after the*



W.P.No.36514 of 2023

completion of one year of imprisonment from the date on which he returns from the last ordinary leave". Therefore, the petitioner herein is not eligible for grant of ordinary leave.

3. In consideration of such submission, we are of the view that the reasoning adopted by the respondents cannot be strictly found fault with.

4. However, the learned counsel for the petitioner had placed reliance on certain medical reports of her mother-in-law and submitted that there is an imminent requirement of her husband's presence to take care of his mother, and that if the leave is not granted, serious prejudice would be caused to him.

5. We have perused the medical reports submitted before us and we are of the view that the petitioner's request for grant of ordinary leave could be restricted for a period of 15 days, in exercise of our powers under Article 226 of the Constitution of India.

6. According, we are inclined to permit the petitioner's husband /



W.P.No.36514 of 2023

Convict Prisoner viz., Suresh S/o.Jayaraman, aged about 34 years bearing Convict No.5960 confined at Central Prison, Puzhal, Chennai, to avail ordinary leave for a period of 15 days without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Suresh S/o.Jayaraman, aged about 34 years bearing Convict No.5960 confined at Central Prison, Puzhal, Chennai, on Ordinary Leave for a period of 15 days i.e., from 13.01.2024 to 27.01.2024.

(ii) The Convict Prisoner shall be released on 13.01.2024 at 10.00 am and surrender before the Superintendent of Prisons, Central Prison, Chennai, on 27.01.2024 at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Sholavaram Police Station, Chennai, twice a week i.e., on every Monday and Thursday at 05.00 pm, during the period of leave.

(iv) During the period of leave, the Probation Officer shall furnish a report touching upon the conduct of the



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W.P.No.36514 of 2023

detenue whilst he was on leave.

(v) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

7. With the above directions, the Writ Petition stands closed.

(M.S.R.,J.) (S.M.,J.)
11.01.2024

Note to Registry:

- 1.Issue order copy by 12.01.2024.
 - 2.Upload the order copy forthwith.
- Anu



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W.P.No.36514 of 2023

M.S.RAMESH, J

and

SUNDER MOHAN, J

Anu

To

1.The State represented by its,
The Deputy Inspector General of Prison,
Puzhal Range, Chennai.

2.The Superintendent,
Puzhal Central Prison,
Chennai.

3. The Inspector of Police,
Sholavaram Police Station,
Chennai.

4. The Public Prosecutor,
High Court, Madras.

W.P.No.36514 of 2023

11.01.2024