



W.P(MD)No.3772 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P(MD)No.3772 of 2024

Rukumani

... Petitioner

vs.

1. The Deputy Inspector General of Prison,
Madurai Zone.

2. The Superintendent of Central Prison,
Palayamkottai,
Tirunelveli District.

3. The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in No.152/உத.2/2024 dated 05.02.2024 by rejecting the plea of ordinary leave and quash the same and consequently direct the 1st respondent herein to grant ordinary leave of 9 days to the petitioner's husband Seeni Selvaraj (CT No.5085) now confined in Central Prison, Palayamkottai.



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For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.S.Ravi

Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.

and

C.KUMARAPPAN, J.

The petitioner herein is the wife of the convict who is suffering two years rigorous imprisonment each for three charges and the period of sentence was ordered to run consecutively. Thus, he has to undergo rigorous imprisonment for a period of six years. He has already preferred appeal which is pending before the Sessions Court. The present HCP is filed being aggrieved by the rejection of the request made by the convict for 9 days ordinary leave.

2. The impugned order categorically states that G.O(Ms)No. 205, Home (Prison-V) Department, dated 25.04.2022 specifically states that a convict is entitled for ordinary leave only after expiry of two years of imprisonment whereas the husband of the petitioner herein was convicted on 08.12.2022. Therefore, he will be eligible for ordinary leave only after 08.12.2024. Since the application is pre-matured, the



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prison authority has rejected the request and this Court finds no illegality or error in the rejection order.

3. Hence, the Writ Petition is dismissed. No costs. The dismissal of the writ petition shall not stand in the way of the convict who has preferred appeal to move appropriate Court for suspension of sentence.

(G.J., J.) (C.K., J.)
20.02.2024

Index : Yes / No
Neutral Citation : Yes / No
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3. The Inspector of Police,
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Thoothukudi District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER MADE IN
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