



**W.P(MD)No.12574 of 2024**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.07.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA  
and  
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.P(MD)No.12574 of 2024  
and  
W.M.P(MD)No.11222 of 2024**

Thangalakshmi

... Petitioner

-VS-

The State represented by its,  
1.The Deputy Inspector General of Prison,  
Madurai Range,  
Central Prison,  
Madurai-625 001.

2.The Superintendent,  
Palayamkottai Central Prison,  
Tirunelveli-627 007.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing No.55/VU.Tha.2/2024, dated 08.01.2024, passed by the first respondent and quash the same and consequently direct the respondents to



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grant ordinary leave for 40 days without escort to the detenu, Govindarajan, S/o.Narayana Nadar, aged about 38 years, Convict No.4435, detained at Central Prison, Palayamkottai.

For Petitioner : Mrs.Ramya  
for S.Manoharan  
For Respondents : Mr.A.Thiruvadi Kumar  
Additional Public Prosecutor

### **ORDER**

**[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]**

The present Writ Petition is filed challenging the impugned order passed by the first respondent, dated 08.01.2024 and quash the same and consequently direct the respondents to grant ordinary leave for 40 days without escort to the detenu, Govindarajan, S/o.Narayana Nadar, aged about 38 years, Convict No.4435, detained at Central Prison, Palayamkottai.

2. It is the case of the petitioner that her husband was acquitted for the offences under Sections 341, 450, 324 r/w 34, 302 r/w 34 IPC by the learned Sessions Judge, Nagercoil in S.C.No.99/2007, dated 29.04.2016. Thereafter, the



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State had preferred an appeal before this Court, in which, the judgment of acquittal was reversed and ordered to undergo life sentence in CrI.A(MD)No. 277/2016, dated 21.06.2019. Ever since the conviction, her husband is in incarceration and doing coolie work the petitioner is raising her children. Since she was unable to manage her family expenses and also to arrange for another rented house, the presence of the convict prisoner is necessary to repair the house and to arrange the education to their children and to make necessary financial arrangements and hence, she seeks for 40 days ordinary leave. Subsequently, the first respondent by order, dated 08.01.2024 rejected her representation. Challenging the said rejection order, the petitioner has filed the present writ petition seeking 40 days ordinary leave.

3. The respondents have filed a detailed counter. The learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner's husband had preferred an appeal before the Hon'ble Supreme Court of India and the same is still pending and further, while the petitioner was on leave earlier, he had escaped and prays for dismissal of this petition and in respect of the pending cases in Cr.No.128 of 2021 in Cr.No.142/2016 on the file of the



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Ranamangalam Police Station. Thereby, on the above three grounds, the first respondent has rejected the request of the petitioner. Since the petitioner is not entitled for ordinary leave as per Rule 35 of the Suspension of Sentence Rules, 1982.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

5. The authorities finding that the petitioner's husband is not eligible for ordinary leave as per Rule 35 of the Suspension of Sentence Rules, 1982 had rejected the petition. In view of the above, we find that there is no infirmity or illegality in the order of the first respondent rejecting the request of the petitioner. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No

[A.D.J.C., J.] [K.R.S., J.]  
10.07.2024



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WEB COPY : Yes / No  
Internet : Yes / No  
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To:

- 1.The Deputy Inspector General of Prison,  
Madurai Range,  
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- 2.The Superintendent,  
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**AND**  
**K.RAJASEKAR, J.**

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