



1

W.P.(MD)NO.19708 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.19708 of 2024

Mahalakshmi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its
The Deputy Inspector General of Prison,
Madurai Zone, Madurai Central Prison,
Madurai – 625 016.

2. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli – 627 002.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 01.06.2024 in No.RO-MDU/50/2024-G2 passed by the first respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 40 days without escort to Manikandan, S/o.Innasimuthu, Life Convict No.3628 detained at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Narayanan
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

* * *

**ORDER**

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The petitioner is the mother of the lift convict(LCT No.3628). The petitioner's son has been convicted not only for the offence under Section 302 IPC but also for the offence under Section 302 r/w. 397 IPC. The petitioner has sought ordinary leave for her son for a period of 40 days. This request was rejected by the impugned order dated 01.06.2024 by citing Rule 21 of the Tamil Nadu Suspension of Sentence Rules, 1982.

3. The learned counsel appearing for the petitioner relies on the order dated **16.08.2023 in W.P.No.24016 of 2023 (Sangeetha V. The Government of Tamil Nadu)** in support of his submission that notwithstanding the conviction under Section 397 IPC, the convict can be granted ordinary leave.

4. We carefully went through the said order. No specific opinion had been expressed on the validity of the said rule. So long as



the rule has not been struck down, we are bound to follow the same.

WEB COPY

5. Since the petitioner's son has been convicted for the offence under Section 302 IPC. r/w. Section 397 IPC., Rule 21 of the Tamil Nadu Suspension of Sentence Rules will kick in and that would operate as bar for grant of ordinary leave. The impugned order is sustained. It is always open to the convict to apply for grant of ordinary leave after the expiry of the sentence imposed for the offence under Section 397 IPC. This writ petition stands dismissed. No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
12th November 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



WEB COPY



To:

1. The State of Tamil Nadu,
Rep. by its
The Deputy Inspector General of Prison,
Madurai Zone, Madurai Central Prison,
Madurai – 625 016.
2. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli – 627 002.



5

W.P.(MD)NO.19708 OF 2024

G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

PMU

W.P.(MD)No.19708 of 2024

12.11.2024