



WEB COPY



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W.P.(MD)NO.20809 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.20809 of 2024

Rajammal

... Petitioner

Vs.

1. The Principal Secretary to Government,
Home, Prohibition & Excise(Prison-IV) Department,
Fort St. George, Chennai – 600 009.
2. The Director General of Prisons,
O/o.Tamil Nadu Prisons Headquarters,
Whannels Road,
Egmore, Chennai – 600 008.
3. The Deputy Inspector General of Prisons,
Trichy Range, Race Course Road,
Trichy – 620 023.
4. The Superintendent of Prisons,
Central Prison,
Trichy – 620 020.

... Respondents

Prayer: Writ 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 passed by the third respondent vide proceedings in No.106/Mu Vu/2024 dated 27.08.2024



and quash the same as void and illegal, consequently grant 40 days ordinary leave without police escort to the petitioner's son Murali, S/o.Ponnusamy(C.P.No.21070, PID No.13211) confined at Central Prison, Tiruchirappalli, forthwith by considering the petitioner's representation dated 17.06.2024.

For Petitioner : Mr.C.Karthikeyan

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 life convict Murali (Convict Prisoner No.21070). He is undergoing incarceration in Central Prison, Trichy. The petitioner is said to be seriously unwell. Hence, ordinary leave of 28 days was sought. The request was rejected vide order dated 27.08.2024. The primary reason for rejection is that the petitioner's son has suffered conviction and sentence under Section 394 IPC in Crime No.342 of 2005 (C.C.No.853 of 2006 on the file of the Judicial Magistrate No.I, Karur).



3. The learned Additional Public Prosecutor pointed out that as per Rule 21 of the Tamil Nadu Suspension of Sentence Rules 1982, this would operate as disqualification for getting ordinary leave. The learned counsel for the petitioner drew my attention to the order dated **16.08.2019 in H.C.P.No.1679 of 2018 (P.Durga Devi V. The Government of Tamil Nadu)**. It has been held therein that the aforesaid rule will not stand in the way for granting ordinary leave, when the sentence imposed for the offence is already over. In this case, the sentence was given on 29.06.2017 for a period of three years. The said period is already over.

4. Therefore, we are of the view that the conviction of the petitioner's son for the offence under Section 394 IPC will not operate as an impediment. In this view of the matter, the impugned order is set aside. The petitioner is granted 28 days of ordinary leave subject to the following terms:-

(a) The convict prisoner, Murali, S/o.Ponnusamy [Convict Prisoner No.21070], now detained in the Central Prison, Trichy, is granted ordinary leave for twenty eight (28) days from 20.11.2024 to 17.12.2024.

(b) The convict prisoner shall be released



from the prison at 10.00 a.m., on 20.11.2024 and he shall return to the prison at 5.00 p.m., on 17.12.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Thanthonimalai police station, Karur District daily at 10.00 a.m., from 21.11.2024 onwards, without fail.

(d) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

5. With the above direction, the Writ Petition stands allowed.

No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
11th November 2024

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



WEB COPY **To:**

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Copy to :

The Inspector of Police,
Thanthonimalai police station, Karur District.



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