



W.P(MD) No.26697 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 13.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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Kayal Kodi

... Petitioner

Vs

1.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.

2.The Superintendent of Prison,
Central Jail,
Madurai.

3.The Superintendent of Police,
O/o The Superintendent of Police,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the Respondent No.1 in No. 616/Vu. Tha.2/2024 dated 21.10.2024 quash the



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same as bad in law and further, directing the respondent Nos. 1 and 2 to grant ordinary leave to the period of 30 days to the petitioners Husband namely Arjunan (C.P.No. 1707) who is convicted for 10 days in NDPS Act Case and is languishing Central Prison, Madurai for the past 4 years by considering the petitioners representation dated on 28.08.2024.

For Petitioner : Mr.SMA.Jinnah

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

ORDER

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

Heard both sides.

2. The petitioner's husband is undergoing sentence in Central Prison, Madurai for NDPS offence. The petitioner has sought ordinary leave for her husband. Request was rejected vide order dated 21.10.2024. Questioning the same, this writ petition has been filed.

3. Rule 21(h) of Tamil Nadu Suspension of Sentence Rules, 1982 states that prisoners who have been convicted for the offence of smuggling of commercial quantity of narcotic and psychotropic substance shall not be eligible for ordinary leave. Likewise, prisoners classified as habitual offender are also not eligible for ordinary leave. It



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is not in dispute that the petitioner's husband was convicted and sentenced in an NDPS case by a Court in Kerala. The petitioner's husband had undergone sentence for four years in that case. The case on hand involves commercial quantity. Apart from these two cases, he has involved in yet another case. We are satisfied that the statutory bar will operate and the petitioner's request for grant of ordinary leave was rightly rejected. The impugned order is sustained. The Writ Petition is dismissed. No costs.

(G.R.S., J.) (R.P., J.)
13.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi

To

- 1.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.
- 2.The Superintendent of Prison,

3/5



Central Jail,
Madurai.

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3.The Superintendent of Police,
O/o The Superintendent of Police,
Theni District.

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

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