



W.P.(MD)No.30697 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.30697 of 2023

Shanmugavalli

: Petitioner

Vs.

- 1.The State of Tamil Nadu represented by
The Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Fort St. George,
Chennai – 600 009.
- 2.The Director General of Police /
Director General of Prisons and Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai.



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3.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai – 625 016.

4.The Superintendent of Prison,
Madurai Central Prison,
Madurai District – 625 016.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to grant 21 days ordinary leave without escort to petitioner's husband by name Chinamani for enabling him to make arrangement for partition of our property, arrange marriage for my son and to provide better treatment for petitioner's husband in pursuance of Rule 20(iv), (v) and (vii) of the Tamil Nadu Suspension of Sentence Rules, 1982 and on the basis of the G.O.Ms.No.205, Home (Prison – V) Department dated 25.04.2022 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Ravi,

Additional Public Prosecutor



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ORDER

[Order of the Court was made by J.NISHA BANU, J.]

This Writ Petition has been filed praying for a Writ of Mandamus to direct the respondents to grant 21 days ordinary leave without escort to petitioner's husband by name Chinamani for enabling him to make arrangement for partition of their property, arrange marriage for their son and to provide better treatment for the petitioner's husband in pursuance of Rule 20(iv), (v) and (vii) of the Tamil Nadu Suspension of Sentence Rules, 1982 and on the basis of the G.O.Ms.No.205, Home (Prison – V) Department dated 25.04.2022.

2.The short facts of the case on hand is that the writ petitioner's husband Thiru.Chinamani, is a prison inmate who is serving life sentence in Central Prison, Madurai. In this regard, the petitioner has sent a representation on 07.12.2023, seeking premature release. The said premature release plea vide 07.12.2023 representation is predicated on G.O.(Ms)No.205, Home (Prison-V) Department, dated 25.04.2022. Since the said representation is pending for a considerable time, the petitioner has preferred the present Writ Petition.



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3.We have heard Mr.R.Alagumani, learned counsel on record for petitioner and Mr.S.Ravi, learned Additional Public Prosecutor who accepted notice for all the respondents.

4.Owing to the narrow scope of the Writ Petition, with the consent of both sides, main Writ Petition was taken up for disposal.

5.Learned State Additional Public Prosecutor submitted that said representation pertains to premature release which turns on the Advisory Board scheme and the same is being processed. Learned Additional Public Prosecutor seeks two [2] weeks time frame to dispose of the said representation submitted by the petitioner.

6.In the light of the above, this Writ Petition is disposed of with a direction to the third respondent to consider the representation dated 07.12.2023 as expeditiously as possible but in any event within two [2] weeks from the date of receipt of a copy of this order. The decision taken by the third respondent shall be communicated to the Writ Petitioner under due acknowledgement within seven working days from the date of disposal of said representation.



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7. Accordingly, this Writ Petition is disposed of in the aforesaid manner. There shall be no order as to costs.

[J.N.B.,J.] & [K.K.R.K.,J.]

04.01.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

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- 2.The Director General of Police /
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- 4.The Superintendent of Prison,
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Madurai District – 625 016.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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J.NISHA BANU, J.
and
K.K.RAMAKRISHNAN, J.

MR

ORDER MADE IN
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