



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fourth day of December Two Thousand Nineteen

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PRESENT

The Hon'ble Mr.Justice T.RAJA
and
The Hon'ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.10692 of 2019
IN
HCP(MD) No.1215 of 2019

P.MURUGAN

... PETITIONER/PETITIONER/
BROTHER OF THE DETENU

Vs

1 STATE OF TAMIL NADU REP. BY
THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
FORT ST. GEORGE,
CHENNAI -600 009.

2 THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE,
SIVAGANGA DISTRICT,
SIVAGANGA.

3 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, MADURAI.

... RESPONDENTS/RESPONDENTS/
RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to direct the respondents to grant three days leave i.e., 05.12.2019 to 07.12.2019 to the petitioner s brother namely Siva @ Paramasivam, aged about 27 yrs, S/o. Pannamuthu, TDPA No.6993 for attending the petitioner s marriage, which is going to be held on 06/12/2019 at sivan Temple, Sivagangai, Sivagangai District and the wedding ceremonies, which is going to be held at Kottapatthu Agamudaiyar Wedding Hall, Sivagangai.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.P.KRISHNAVENI, Advocate for the petitioner and of Mr.K.DINESH

<https://hcservices.ecourts.gov.in/hcservices/>



BABU, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

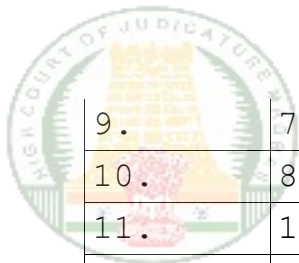
(Order of the Court was made by T.RAJA.J)

This Criminal Miscellaneous Petition has been moved by one Mr.P.Murugan, seeking an order directing the respondents herein to grant three days leave from 05.12.2019 to 07.12.2019 to his brother namely Siva @ Paramasivam, aged about 27 years, S/o.Pannamuthu, TPDA No.6993 to attend his brother's marriage viz., the petitioner, which is to be held on 06.12.2109 at Sivan Temple, Sivagangai.

2.As the petitioner is getting married on 06.12.2019 at Sivan Temple, Sivagangai, learned counsel appearing for the petitioner pleaded that the petitioner being elder brother of Mr.Siva @ Paramasivam, who is a detenu undergoing detention, he may be permitted to attend the marriage and after attending the marriage, within 3 days, he would surrender before the respondent. In this regard, he has also given a representation to the respondents 1 to 3 on 25.11.2019 seeking three days leave from 05.12.2019 to 07.12.2019. But the respondents have not even taken up his representation and it is lying in the file section. As the date of marriage is nearing fast, he is advised to come to this Court. According to the learned counsel, if three days leave is granted to the petitioner's brother namely Siva @ Paramasivam to attend the petitioner's marriage, no prejudice would be caused to any one.

3.Learned Additional Public Prosecutor appearing for the respondents heavily objecting the prayer, submitted that it is not a fit case for grant of three days leave to the detenu, as there are nearly 18 criminal cases pending against the petitioner's brother. Therefore, if the detenu is allowed to attend his brother's marriage i.e the petitioner's marriage, it may not be conducive to the marriage and also safe for him to return to the jail. The letter dated 04.12.2019 received by the learned Additional Public Prosecutor from the Inspector of Police, Sivagangai Town Police Station, Sivagangai, shows that following cases are pending against the detenu:

Sl.No	Crime Number	Sections
1.	51/11	294(b), 323,324, 506(ii) I.P.C
2.	666/11	397 I.P.C
3.	295/12	41(II) @ 109 Cr.P.C
4.	667/12	107 I.P.C
5.	162/14	107 I.P.C
6.	522/14	341, 294(b), 324, 307 I.P.C
7.	553/14	294(b),324,506(ii) I.P.C
8.	176/15	107 Cr.P.C



9.	76/15	294(b), 341, 324, 506(ii) I.P.C
10.	812/15	399 I.P.C & Arms Act
11.	19/16	147, 148, 294(b), 506(ii) I.P.C
12.	76/16	294(b), 506(ii) I.P.C
13.	128/16	392, 397, 506(ii) I.P.C
14.	547/16	392, 397, 506(ii) I.P.C
15.	166/17	387, 506(ii) I.P.C
16.	477/19	147, 148, 294(b), 324, 302 & 120(b) I.P.C
17.	193/17	147, 148, 341, 302 I.P.C r/w 149 I.P.C
18.	SVG TK PS Cr.No.117/15	397 I.P.C

3. In view of large number of pendency of the above cases against the petitioner's brother, we are at loss to see how he is entitled for three days leave. As a matter of fact, a detenu detained as Goonda having pendency of eighteen criminal cases is not entitled for any leave.

4. Therefore, we find no merits in this petition and the same fails and accordingly, is dismissed.

sd/-

04/12/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
FORT ST. GEORGE, CHENNAI -600 009.
- 2 THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE,
SIVAGANGA DISTRICT, SIVAGANGA.
- 3 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.10692 of 2019

IN

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Date :04/12/2019

VS

<https://hccs.cjcega.gov.in/services> 08/01/2020 : 3P/5C