



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P (MD)No.4700 of 2021

WEB COPY

Arjunan : Petitioner

.vs.

1.The Principal Secretary,
Department of Home,
Prohibition and Excise,
Government of Tamil Nadu,
Fort Saint George,
Chennai-600 009.

2.The Superintendent of Prison,
Central Prison for Women,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent herein to release the petitioner's wife Maruthayee C.P.No.125 confined in the 2nd respondent prison on parole for the period of 30 days in order to pursue the surgery in her eyes based on the petitioner's representation, dated 10.02.2021 made to the respondents herein.

For Petitioner
For Respondents

:Mr.M.Ganeshkamu
:Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

[Order of the Court was made by **K.KALYANASUNDARAM.,J.**]

The prayer in the writ petition is for issuance of writ of mandamus directing the second respondent to release the petitioner's wife Maruthayee, who is a life convict, confined in Central Prison for Women, Madurai, based on his representation dated 10.02.2021.

2. The petitioner would state that his wife Maruthayee and his son Balamurugan were accused in Cr.No.28 of 2009 on the file of the of the Thirumangalam Taluk Police Station for the offences punishable under Sections 498(A) and 302 of IPC. The learned Sessions Judge, Mahila Court, Madurai convicted them and sentenced them to undergo life imprisonment for an offence under Section 302 of IPC and one year for the offence under Section 498(A) of IPC. As such, she is undergoing sentence. The petitioner would further state that his wife is losing her eye vision powers and she needs



surgery and hence, he made a representation to the respondents seeking leave for a period of 30 days. Since, no action has been taken, the present writ petition has been filed.

3. Heard Mr.M.Ganeshkamu, learned counsel appearing for the petitioner and Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. The learned Additional Public Prosecutor appearing for the respondents would state that the petitioner seeks ordinary leave for treatment of his wife for a period of 30 days and his representation could be considered only by the Deputy Inspector General of Prison, Madurai, but no representation was made to the competent authority.

5. The learned counsel appearing for the petitioner would state that the petitioner is ready to give a fresh representation to the Deputy Inspector General of Prison, Madurai and he may be directed to consider the same.

6. In the light of the above statement of the learned counsel appearing on either side, without going into the merits of the matter, we hereby direct the petitioner to give a fresh representation to the Deputy Inspector General of Prison, Madurai by enclosing a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the representation, the Deputy Inspector General of Prison, Madurai shall consider the same and pass orders, purely on merits and in accordance with law, within a period of four weeks there from.

7. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1.The Principal Secretary,
Department of Home,
Prohibition and Excise,
Government of Tamil Nadu,
Fort Saint George,
Chennai-600 009.

2.The Superintendent of Prison,
Central Prison for Women,
Madurai.

Copy To

1.The Deputy Inspector General of Prisons,
Madurai.

2. The Additional Public prosecutor,
Madurai Bench of Madras High Court,
Madurai

W.P (MD) No.4700 of 2021
15.03.2021

SMV (CO)

KB(30.03.2021) 3P 5C