



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Tenth day of June Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
and
The Hon`ble Mr.Justice G.ILANGO VAN

WMP (MD) No.7719 of 2021

IN

W.P (MD) No.9438 of 2021

K.PERUMAI SELVI

... PETITIONER/ PETITIONER

Vs

- 1 THE HOME SECRETARY
HOME DEPARTMENT (PRISON),
SECRETARIAT, FORT, ST. GEORGE,
CHENNAI- 600 009.
 - 2 THE DIRECTOR GENERAL OF PRISON AND
INSPECTOR GENERAL OF PRISON,
WHANNELS ROAD, EGMORE, CHENNAI-08.
 - 3 THE SUPERINTENDING OF PRISON,
MADURAI CENTRAL PRISON, MADURAI DISTRICT.
 - 4 DEPUTY INSPECTOR GENERAL,
DEPARTMENT OF PRISONS AND CORRECTIONAL SERVICE,
MADURAI SARAGAM, MADURAI.
- ... RESPONDENTS/ RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant 3 days Interim leave to enlarge the petitioner's husband B.Kaliyugakannan, S/o.Balakrishnan (Conviction No.9681) to attending the family marriage dated 13.06.2021 at Meenachipuram.

Prayer in WP(MD). 9438/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or direction or order in the nature of writ, directing the 3rd and 4th respondents to call for the record pertaining to the proceedings of the 4th respondent in No.1012/U.Tha.2/2021 dated 01/04/2021 and quash and to direct the 3rd and 4th respondents to enlarge the



petitioner's husband B.Kaliyugakannan, S/o.Balakrishnan (Conviction No.9681) to set grant one month leave without escort, who is confined in the 3rd Respondent prison.

ORDER: This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.G.MURUGENDRAN, Advocate for the petitioner and of Mr.S.RAVI, Standing Counsel on behalf of the Respondents, the court made the following order:-

This petition has been filed for granting three days interim leave to the petitioner's husband B.Kaliyugakannan, S/o.Balakrishnan (Convict No.9681) to attend the family marriage on 13.06.2021 at Meenachipuram, Rajapalayam Taluk, Virudhunagar District.

2. Heard Mr.G.Murugendran, learned counsel appearing for the Petitioner and Mr.S.Ravi, learned Standing Counsel for the State Government and perused the materials available on record.

3. It appears that the petitioner's husband B.Kaliyugakannan was convicted under the provisions of NDPS Act by the Additional District Sessions Judge/Presiding Officer Special Court for NDPS Act Cases, Pudukkottai in C.C.No.131 of 2015 and sentenced to undergo 12 years Rigorous Imprisonment.

4. It is represented by the learned counsel for the petitioner that against the said conviction and sentence, the petitioner's husband had preferred an appeal and the same is pending. The leave sought for by the petitioner came to be rejected by an order dated 01.04.2021 and the writ petition is filed to set aside the said order.

5. It is submitted by the learned counsel for the petitioner that the convict B.Kaliyugakannan is the maternal uncle of M.Vairamuthu and his marriage is fixed on 13.06.2021 and the presence of the petitioner is very much required to perform some ceremonies.

6. Mr.S.Ravi, learned Standing Counsel appearing for the respondents would state that under the Suspension of Sentence Rules, the convict is not entitled for leave to attend the marriage of his relatives.

7. However, considering the facts and circumstances of the case, this Court is inclined to grant interim leave to the petitioner for a period of three days from 12.06.2021 to 14.06.2021 with police escard. Convict shall surrender before the jail authorities on 15.06.2021 at 10.00 a.m.



8. Accordingly, this petition is ordered.

sd/-
10/06/2021

/ TRUE COPY /

WEB COPY

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE HOME SECRETARY
HOME DEPARTMENT (PRISON),
SECRETARIAT, FORT, ST. GEORGE,
CHENNAI- 600 009.
- 2 THE DIRECTOR GENERAL OF PRISON AND
INSPECTOR GENERAL OF PRISON,
WHANNELS ROAD, EGMORE, CHENNAI-08.
- 3 THE SUPERINTENDING OF PRISON,
MADURAI CENTRAL PRISON, MADURAI DISTRICT.
- 4 DEPUTY INSPECTOR GENERAL,
DEPARTMENT OF PRISONS AND CORRECTIONAL SERVICE,
MADURAI SARAGAM, MADURAI.

ORDER
IN
WMP (MD) No.7719 of 2021
IN
W.P (MD) No.9438 of 2021
Date :10/06/2021

am
MS/PN/SAR-3/11.06.2021/3P.5C