



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

Friday, the First day of October Two Thousand and Twenty One

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
The Hon`ble Mrs.Justice J.NISHA BANU

WMP(MD) No.13588 of 2021
IN
WP(MD) No.9438 of 2021

K.PERUMAI SELVI

... PETITIONER/PETITIONER

Vs

- 1 THE HOME SECRETARY
HOME DEPARTMENT (PRISON)
SECRETARIAT, FORT ST.GEORGE,
CHENNAI - 600009.
- 2 THE DIRECTOR GENERAL OF PRISON AND
INSPECTOR GENERAL OF PRISON,
WHANNELS ROAD,EGMORE,CHENNAI -08.
- 3 THE SUPERINTENDENT OF POLICE
MADURAI CENTRAL PRISON ,MADURAI DISTRICT
- 4 DEPUTY INSPECTOR GENERAL
DEPARTMENT OF PRISONS AND CORRECTIONS
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 7 days Interim leave to enlarge the petitioner's husband B.Kaliyugakannan, S/o.Balakrishnan (Conviction No.9681).

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, Additional Public Prosecutor(crl.side) on behalf of the Respondents, the court made the following order:-

(Order of the Court was made by M.DURAISWAMY,J)

At the instance of the learned counsel appearing for the petitioner, the matter is taken up today ie., on 01.10.2021 at 12.55 p.m.

2.Mr.G.Murugendran, learned counsel appearing for the petitioner submitted that the Division Bench of this Court by order dated 20.09.2021 directed the convict prisoner, namely Kaliyugakannan (Convict Prisoner No.9681) S/o.Balakrishnan, now confined in Central Prison, Madurai be released on 24.09.2021 at 11.00 a.m. with one Police escort and the convict is directed to return back to prison on 01.10.2021 at 5.00 a.m. During the said leave period, the convict was directed to report before the concerned jurisdictional Police Station daily at 10.00 a.m. The Division Bench also directed the matter to be listed today ie., on 01.10.2021 for reporting compliance.

3.The learned counsel appearing for the petitioner submitted that though this Court had directed the convict prisoner be released on 24.09.2021 at 11.00 a.m., because of the delay in receiving the copy of the order, the convict prisoner was released only on 28.09.2021, therefore, he could not be with his father who is seriously ill and is in the final days of his life for the complete period of seven days. In these circumstances, the learned counsel submitted that the parole may be extended till 05.10.2021.

4.Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondents fairly submitted that the convict prisoner may be directed to return back to prison on 05.10.2021 at 5.00 p.m.

5.In view of the submissions made by the learned counsel on either side, taking into consideration the submissions made by the learned counsel for the petitioner, we direct the convict prisoner namely Kaliyugakannan (Convict Prisoner No.9681) S/o.Balakrishnan, to return back to prison on 05.10.2021 at 5.00 p.m. It is also made clear that during the said leave period, the convict prisoner shall report before the concerned jurisdictional Police Station daily at 10.00 a.m.



6. Post the matter on 06.10.2021 for reporting compliance. In other aspects, the order dated 20.09.2021 shall remain unaltered.

sd/-

01/10/2021

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/ /2021

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

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE/
PRESIDING OFFICER,
PUDUKKOTTAI.

2 THE HOME SECRETARY
HOME DEPARTMENT (PRISON)
SECRETARIAT, FORT ST. GEORGE,
CHENNAI - 600009.

3 THE DIRECTOR GENERAL OF PRISON AND
INSPECTOR GENERAL OF PRISON,
WHANNELS ROAD, EGMORE, CHENNAI -08.

4 THE SUPERINTENDENT OF POLICE
MADURAI CENTRAL PRISON , MADURAI DISTRICT

5 DEPUTY INSPECTOR GENERAL
DEPARTMENT OF PRISONS AND CORRECTIONS
MADURAI SARAGAM,
MADURAI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
THALAVAIPURAM POLICE STATION, RAJAPALAYM TALUK
VIRUDHUNAGAR DISTRICT.

ORDER IN

WMP (MD) No.13588 of 2021
IN

WP (MD) No.9438 of 2021

Date : 01/10/2021