



WP(MD)No.25344 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2022

CORAM

THE HON'BLE MR JUSTICE M.S.RAMESH

AND

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

W.P.(MD)No.25344 of 2022

M.Arul

... Petitioner

Vs.

1.The State Represented by its,
The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 9.

2.The Deputy Inspector General of Prison,
Madurai Zone,
Madurai.



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3. The Superintendent,
Palayamkottai Central Prison,
Palayamkottai.

...Respondents

PRAYER: Petition - filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to grant ordinary leave for 40 days without escort to the detenu, Anish, S/o.Arul, aged about 32 years, Convict No. 4152, detained at Central Prison, Palayamkottai.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.

and

N. ANAND VENKATESH, J.

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents to grant ordinary leave to the detenu,



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who is a life convict and is presently undergoing sentence at Central Prison, Palayamkottai.

2. When the matter was taken up for hearing, the learned Additional Public Prosecutor, produced the proceedings of the second respondent, dated 10.10.2022. It is seen from this proceedings that 21 days ordinary leave has been granted to the detenu with escort.

3. The learned counsel for the petitioner submitted that the detenu sought for ordinary leave on the ground that he has to take care of his ailing mother. The learned counsel further submitted that even when the Criminal Appeal was pending before this Court, suspension of sentence was granted for nearly 11 months. Thereafter, the conviction and sentence was confirmed. During the period of 11 months, when the suspension of sentence was granted, no untoward incident happened and therefore, the apprehension that has been raised by the respondents is unfounded and there is no need to grant ordinary leave with escort.



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4. We have carefully considered the submissions made on either side and also materials available on record.

5. The detenu has been granted ordinary leave, in order to take care of his ailing mother. Considering the fact that the incident had taken place in the year 2017 and the detenu was also granted suspension of sentence for nearly 11 months during the pendency of the appeal, we deem it fit to modify the condition imposed by the second respondent. It will suffice, if the detenu is directed to report before the Inspector of Police, Eraniel Police Station, Kanyakumari District, daily at 5.00 p.m. for the entire period, when he is in ordinary leave.

6. Subject to the above modification, the proceedings of the second respondent, dated 10.10.2022, shall remain in force for all the other purposes.



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7. Accordingly, this Writ Petition is disposed of. No costs.

(M.S.R.,J.) (N.A.V.,J.)
09.11.2022

Index : Yes/No
Internet : Yes
rm

To:

- 1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 9.
- 2.The Deputy Inspector General of Prison,
Madurai Zone,
Madurai.
- 3.The Superintendent,
Palayamkottai Central Prison,
Palayamkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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