



W.P(MD)No.25192 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD).No.25192 of 2022

Mary Irin,

: Petitioner

Vs

1. The State Represented by Its,
The Deputy Inspector General of Prison,
Madurai Range, Madurai-625 001.

2. The Superintendent,
Central Prison,
Palayamkottai-627 007.

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, considering the petitioner's representation dated 02.12.2021 to direct the respondents to grant leave for 40 days without escort to the detinue, Jenosh Edwin, S/o Christin, aged about 40 years, Convict No.1443, confined at Central Prison, Palayamkottai.

For Petitioner : Mr.S.Maniharan

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



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ORDER

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This writ petition has been filed for a direction to the respondent police to grant leave to the detenu without escort, who is now confined at Central Prison, Palayamkottai.

2. A similar writ petition was filed in W.P.(MD) No.6721/2022 and this Court, upon hearing the learned Additional Public Prosecutor, on 27.07.2022, passed the following order:

“When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the Deputy Inspector General of Prisons, Madurai, by order dated 20.07.2022, has granted 28 days ordinary leave to the convict prisoner, Jenosh Edwin (Convict No.1443), S/o.Christin, aged about 40 years.”

3. The grievance of the petitioner is that even though the respondents gave an impression that already 28 days ordinary leave has been granted to the detenu, till date, the detenu has not been released and hence, the petitioner



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was constrained to file the present writ petition.

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4. The learned Additional Public Prosecutor, on instructions, submitted that considering the facts and circumstances of the case and the objections given by the local police, the Superintendent of Prison, had sought for an escort to accompany the detenu, when he is in ordinary leave. A representation was also made to the Superintendent of Police, Kanyakumari District, in this regard, since the same has not been considered, the detenu is not able to be let out on ordinary leave.

5. In the considered view of this Court, the decision was taken by the prison authorities as early as in July '2022 to grant 28 days ordinary leave to the detenu. Administrative problems between the authorities cannot prevent the detenu from availing the ordinary leave. Considering the request made by the petitioner and considering the material available on record, it is not necessary that the detenu should be accompanied by an escort, it will suffice if the detenu is directed to report before the concerned local police station daily throughout the period when he is in ordinary leave.



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6. In view of the above, this writ petition is disposed of with a direction to the second respondent to grant 28 days ordinary leave, which was already sanctioned to the detenu and the detenu, while on ordinary leave, shall report before the Manavalakurichi Police Station everyday at 5.30 p.m. till he surrenders back to the Superintendent of Prison, Central Prison, Palayamkottai.

[M.S.R.,J]

[N.A.V.,J]

07.11.2022

Index : Yes / No

Internet : Yes

RR

To

1. The Deputy Inspector General of Prison,
Madurai Range, Madurai-625 001.

2. The Superintendent,
Central Prison,
Palayamkottai-627 007.

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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M.S. RAMESH, J.
AND
N.ANAND VENKATESH, J.

RR

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