



WP(MD)No.27228 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.12.2022**

CORAM

THE HON'BLE MR JUSTICE M.S.RAMESH

AND

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

W.P.(MD)No.27228 of 2022

A.Meharaj

... Petitioner

Vs.

1.The Inspector General of Pri son,
O/o. the Inspector General of Prison,
Whannels Road,
Egmore,
Chennai.

2.The Deputy Inspector General
O/o. the Deputy Inspector General,
Peththanaipuram,
Arapalayam,
Madurai District.



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3. The Superintendent of Prison,
Central Jail,
Palayamkottai,
Tirunelveli District.

...Respondents

PRAYER: Petition - filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in impugned Letter No.890/Utha2/2022 dated 07.11.2022 issued by the respondent No.2 and directing the respondent No.1 to grant parole for the period of one month to the petitioner's husband, namely, Siddique Ali @ Sulthan who is convicted in one murder case and languishing in Palayamkottai Central Jail for the period of 23 years.

For Petitioner : Mr.S.M.A.Jinnah

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



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ORDER

[Order of the Court was made by **N. ANAND VENKATESH, J.**]

By consent given on either side, the main writ petition is taken up for final disposal.

2. This Writ Petition has been filed challenging the rejection order passed by the second respondent in Letter No.890/Utha2/2022, dated 07.11.2022, whereby, the request made by the petitioner seeking for 30 days ordinary leave to her husband was rejected.

3. The petitioner's husband was convicted and sentenced for the offence under Section 302 of IPC and he is a life convict. It is seen from the records that the husband of the petitioner has undergone incarceration for nearly 22 years. The mother of the detenu is suffering from serious illness and hence, a representation was made to the respondents by the petitioner seeking for 30 days ordinary leave to the detenu. The same was rejected by the second respondent, vide Letter No.890/Utha2/2022, dated 07.11.2022



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and aggrieved by the same, the petitioner has filed the present writ petition before this Court.

4. We have carefully gone through the impugned proceedings of the second respondent. The second respondent has assigned general/mechanical reasons for rejecting the representation made by the petitioner. Most of the reasoning is based on surmises, without any supporting material. The detenu has undergone incarceration for nearly 22 years and even on earlier occasions, he has been granted ordinary leave and it was uneventful. The earlier order passed by this Court in H.C.P.No.1681 of 2019, dated 19.08.2019 was also brought to the notice that this Court wherein the detenu was granted 30 days ordinary leave. We do not find any justification in the impugned proceedings of the second respondent, rejecting the representation made by the petitioner seeking for ordinary leave and we are inclined to interfere with the same.

5. In the result, the impugned proceedings of the second respondent vide Letter No.890/Utha2/2022, dated 07.11.2022, is hereby



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quashed. There shall be a direction to the third respondent to grant 20 days ordinary leave to the detenu without escort and it is left open to the third respondent to impose any reasonable condition. The detenu shall surrender before the third respondent immediately after the period of ordinary leave expires.

6. This Writ Petition is allowed with the above directions. No costs.

(M.S.R.,J.) (N.A.V.,J.)
01.12.2022

Index : Yes/No
Internet : Yes
rm



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3. The Superintendent of Prison,
Central Jail,
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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M.S.RAMESH, J.

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