



WP.No.16505 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.16505 of 2023

Pechimuthu
S/o.Komban

.. Petitioner

Vs.

The State represented by its

1. The Secretary to the Government of Tamil Nadu
Department of Home
Fort St.George
Chennai-600 009.

2. The Deputy Inspector of General of Prison
Madurai Zone
Madurai - 625 001.

3. The Superintendent
Palayamkottai Central Prison
Palayamkottai.

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the respondents to grant ordinary leave for 3 months without escort to the detenu, Komban, S/o.Madasamy, aged about 54 years bearing Convict No.8916 at Central Prison, Palayamkottai.

For Petitioner : Dr.S.Manoharan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John, Advocate

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

This order will now dispose of the captioned writ petition. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 02.06.2023 which reads as follows:

'Captioned writ petition pertains to a lifer by name Komban, son of Madasamy (Convict No.8916) in Palayamkottai prison having been convicted on 05.10.2005 in S.C.No.269 of 2004 by the Court of learned Additional Sessions Judge, Fast Track Court I, Tirunelveli inter alia for an offence under Section 302 of 'The Indian Penal Code (45 of 1860)' [hereinafter 'IPC' for the sake of convenience and clarity]

2. Son of the life convict is the petitioner before us. The lifer was granted 30 days ordinary leave by the third respondent



in and by an order dated 05.05.2023. After availing the leave, it came to light that the lifer is diagnosed with acute myeloid leukemia.

3. Captioned writ petition has been filed with a prayer for further leave.

4. Issue notice. Mr.R.Muniyappraj, learned Additional Public Prosecutor accepts notice for all three respondents.

5. Be that as it may, Dr.S.Manoharan, learned counsel for petitioner as well as learned Prosecutor submits that life convict was acutely ill and seek time to get further instructions and revert to this Court. Request acceded to.

6. Be that as it may, 30 days leave granted by the third respondent in and by order dated 05.05.2023 under the Tamil Nadu Suspension of Sentence Rules, 1982 elapses on 03.06.2023 (tomorrow).

7. In the light of the narrative thus far, leave already granted by the third respondent will now stand extended by a fortnight i.e., upto 16.06.2023.

8. Let both sides get instructions and report to this Court. List on 07.06.2023.'

2. Today, Dr.S.Manoharan, learned counsel on record for petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor (assisted by learned counsel Mr.Sylvester John) submitted in one voice that life convict



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who was acutely ill is no more and date of demise is 02.06.2023.

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3. Owing to aforementioned unfortunate development, captioned Writ

Petition has become infructuous.

4. We dispose of the captioned writ petition as closed albeit making it clear that we have not expressed any view or opinion on the merits of rival contentions and we reserve it for another matter wherein contest becomes inevitable. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

07.06.2023

Index : Yes

Speaking

Neutral Citation : Yes

mk

To

1. The Secretary to the Government of Tamil Nadu
Department of Home
Fort St.George
Chennai-600 009.
2. The Deputy Inspector of General of Prison
Madurai Zone
Madurai - 625 001.
3. The Superintendent
Palayamkottai Central Prison
Palayamkottai.

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4.

The Public Prosecutor
High Court, Madras.



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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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