



W.P.No.22721 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2023

CORAM:

**THE HONOURABLE Mr.JUSTICE M.SUNDAR
and
THE HONOURABLE Mr.JUSTICE R.SAKTHIVEL**

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Sasikala (F-44)
W/o.Chellamuthu
Perumal Koil Pudhur
Echipalayam Post
Kodumudi Vazhi
Erode – 638 151.

... Petitioner/Sister of Detenue

-Vs-

1.The State represented by its
Secretary to the Government of Tamil Nadu
Department of Home
Fort St.George
Chennai – 600 009.

2.The Deputy Inspector General of Prison
Coimbatore Range
Coimbatore Central Prison
Coimbatore 641 018.

3.The Superintendent,
Central Prison,
Coimbatore – 641 018.

... Respondents



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PRAYER :

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to grant ordinary leave for 2 months without escort to the detenue, Satishkumar, S/o.Palanisamy, aged about 37 years, Convict No.20424, detained at Central Prison, Coimbatore.

For Petitioner : Dr.S.Manoharan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

This order will now dispose of the captioned writ petition.

2.The captioned Writ Petition has been moved by way of 'Lunch Motion'. To be noted, though the prayer for mandamus is wide as it pertains to request for two months leave without escort for petitioner's brother Thiru.Satishkumar, S/o.Thiru.Palanisamy aged 37 years, now a convict prisoner [Convict No.20424] lodged in Central Prison, Coimbatore having been convicted and handed down a sentence of life imprisonment



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in S.C.No.78 of 2014 on the file of learned Additional Sessions Judge, Magalir Needhimandram (Fast Track Mahila Court), Erode, the lunch motion request was owing to demise of convict prisoner's paternal grand father [father's father].

3.Adverting to support affidavit, Dr.S.Manoharan, learned counsel for writ petitioner submitted that the demise was yesterday [30.07.2023] at about 04.00 P.M and the funeral has to be performed today and it is awaiting the convict prisoner.

4.Learned counsel adverting to Paragraph 4 of the support affidavit further submitted that the convict prisoner's father [writ petitioner's father also] died when the convict prisoner was 7 years old and his paternal grand father who is no more had brought him up. It is also submitted that the last rites have to be now performed only by the convict prisoner.

5.Issue notice. Mr.E.Raj Thilak, learned State Additional Public Prosecutor accepts notice for all the three respondents and submits on instructions that the factum of demise is true and there is no disputation



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that the family is awaiting convict prisoner who has to perform the last rites at Perumal Koil Pudhur, Echipalayam Post, Kodumudi Vazhi, Erode – 638151. In any event, the convict prisoner wants to pay his last respects and be part of the funeral.

6.Learned counsel for writ petitioner submits that the convict prisoner is ready to go with escort and learned Prosecutor submits on instructions that escort can be provided forthwith.

7.In the light of the narrative thus far, leaving open all questions, contestations and disputations regarding two months leave sought by the convict prisoner [which we are informed has been rejected by the third respondent], we make the following order:

(a) Third respondent namely, Superintendent of Central Prison, Coimbatore – 641 018 shall release the convict prisoner [Convict No.20424] Thiru.Satishkumar, S/o.Thiru.Palanisamy aged 37 years, [writ petitioner's brother] forthwith;

(b) Respondents shall provide escort with requisite



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strength for the convict prisoner to go to Erode, to participate in the funeral to pay his last respects and perform the last rites;

(c) The convict prisoner shall execute his own bond before the third respondent viz., The Superintendent, Central Prison, Coimbatore – 641 018;

(d) The convict prisoner is directed to surrender before the third respondent day after tomorrow [02.08.2023] Wednesday by dusk i.e., by 05.30 P.M.

8.Captioned writ petition disposed of on above terms. No costs.

9.Though the captioned writ petition is disposed of, Registry to list this matter under the caption 'FOR REPORTING COMPLIANCE' on 04.08.2023.

[M.S.,J] [R.S.V.,J]

31.07.2023

Neutral Citation : Yes/No

Internet : Yes/No

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To

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