



WP.No.28622/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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R.Banumathy

... Petitioner

Vs.

The State represented by

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

2.The Deputy Inspector General of Police
Central Prison, Trichy.

3.The Superintendent
Central Prison, Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records pertaining to the rejection order in NO.16617/tha.ku.4/2023 dated



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31.08.2023 issued by the 3rd respondent and quash the same and consequently direct the 1st respondent to grant leave for 30 days without escort to the detenu Rajendran, S/o.Durairaj, aged about 44 years, is a life convict prisoner, bearing Convict No.22989, detained at Central Prison, Trichy.

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

ORDER

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

(1)The present writ petition has been filed in the nature of a certiorarified mandamus seeking records relating to an order dated 31.08.2023 passed by the 1st respondent in No.16617/tha.ku.4/2023, rejecting the request of the petitioner herein to grant 30 days ordinary leave to her husband, a life convict, for attending the marriage of their second daughter Sowmiya and to quash the same and to direct the 1st respondent to grant leave for 30 days without escort to the detenu Rajendran, S/o.Durairaj, aged about 44 years, a life convict prisoner, bearing Convict No.22989, now detained at



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Central Prison, Trichy.

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- (2)The petitioner's husband/life convict has been convicted and sentenced for the offences u/s.148, 341, 304[I] of IPC and has been sentenced to life imprisonment. The petitioner has approached this Court for grant of leave to her husband on the ground that her second daughter by name Sowmiya, aged 20 years, is getting married on 27.10.2023 and that her husband, as father of the daughter, should be present and participate in the marriage. Stating that the petitioner had arranged the marriage of her daughter despite her husband's absence, she has filed the present petition seeking leave for her husband for 30 days for mobilising funds etc.
- (3)The petitioner's request was turned down by the respondent only on the ground that there is another case pending in Crime No.63/2015 before the learned Principal Sessions Judge, Pudukottai, in SC.No.180/2017.
- (4)Having regard to the extraordinary circumstances where the petitioner's husband's presence is required in relation to the marriage of their daughter, this Court finds that the life convict prisoner/husband of the petitioner/detenu can be granted ordinary leave for a period of 20 days. It is to be noted that the criminal case pending in SC.No.180/2017 is not in



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relation to any serious offence. Therefore, the petitioner's request for the presence of her husband/detenu to mobilise funds and make arrangements for the marriage, cannot be discarded.

(5) In view of the circumstances pointed out, this Court is inclined to pass the following order:-

(a) The detenu/life convict, Mr. Rajendran, S/o. Durairaj, aged 44 years, [Convict No. 22989], now detained in the Central Prison, Trichy, is **granted ordinary leave for twenty days from 16.10.2023 to 09.11.2023.**

(b) The detenu shall be released from the prison at 10.00 a.m., on 16.10.2023 and he shall return back to the prison at 7.00 p.m., on 09.11.2023.

(c) The third respondent is directed to provide minimum escort to the convict from the Central Prison at the time he leaves the prison and till such time he is taken back to the prison. It is clarified that the cost involved in providing escort shall be borne by the petitioner.

(6) The writ petition stands **disposed of.**



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[S.S.S.R., J.] [S.M, J.]
06.10.2023

AP

Internet : Yes

To

- 1.The Secretary to Government of Tamil Nadu
Home Department, Fort St George
Chennai 600 009.
- 2.The Deputy Inspector General of Police
Central Prison, Trichy.
- 3.The Superintendent
Central Prison, Trichy.
- 4.The Public Prosecutor,
High Court, Madras.



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S.S. SUNDAR, J.,
and
SUNDER MOHAN, J.,

AP

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