



WEB COPY

WMP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Eighth day of February Two Thousand and Twenty Three
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
and

The Hon`ble Mr.Justice K.K.RAMAKRISHNAN

WMP (MD) No.2250 of 2023

IN

WP (MD) No.636 of 2023

KAMALAM.R

... PETITIONER/MOTHER OF THE DETENUE

Vs

1 THE STATE REPRESENTED BY ITS
THE DEPUTY INSPECTOR GENERAL OF PRISON,
MADURAI RANGE, MADURAI - 625 001.

2 THE SUPERINTENDENT OF PRISON
CENTRAL PRISON,
PALAYAMKOTTAI - 627 007.

... RESPONDENTS

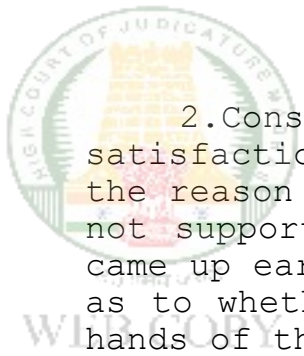
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to direct the 1st respondent to modify the order in No.208/00.Tha.2/2023 dated 26.01.2023 granting ordinary leave for 28 days without escort to petitioner son, the life convict prisoner, namely Shaji S/o.Ragavan, 42 years Life Convict No.2794, presently detained at Central Prison, Palayamkottai.

Prayer in WP(MD). 636/ 2023 :

To issue a Writ of Mandamus, directing the respondents to grant ordinary leave for forty days without escort to petitioner son, the life convict prisoner, namely Shaji S/o.Ragavan 42 years, Life convict No.2794, presently detained at Central Prison, Palayamkottai, based on petitioners representation dated 29.11.2022.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.MANOHARAN.S, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

The mother of the detenu is before us, since the 28 days ordinary leave granted to her son with police escort has caused discomfort to her son to come out for the simple reason of unaffordability.



2.Considering the fact that the Executive's satisfaction that the detenu is entitled for 28 days ordinary leave, the reason for imposing the condition that he must be with escort is not supported by any material facts. This Court, when the matter came up earlier, directed the Additional Public Prosecutor to verify as to whether there is any threat to the convict or anybody at the hands of the convict.

3.Today, the learned Additional Public Prosecutor states that there is no such adverse intelligence.

4.In view of the above fact, the son of the petitioner, detenu Shaji, S/o.Ragavan, Life Convict No.2794 detained in Central Prison, Palayamkottai shall be released on ordinary leave for 28 days as per the first respondent proceedings, dated 26.01.2023, without escort, however, on condition that the convict shall report before the Marthandam Police Station daily at 10.30 a.m during his leave period.

5.Accordingly, this Writ Miscellaneous Petition is ordered.

sd/-

08/02/2023

/ TRUE COPY /

08/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE DEPUTY INSPECTOR GENERAL OF PRISON,
MADURAI RANGE, MADURAI - 625 001.

2 THE SUPERINTENDENT OF PRISON
CENTRAL PRISON, PALAYAMKOTTAI - 627 007.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

ORDER IN

WMP(MD) No.2250 of 2023

IN WP(MD) No.636 of 2023

Date :08/02/2023