



W.P(MD)No.4998 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2023

CORAM:

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
AND
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

W.A(MD)No.4998 of 2023

Gana Chinnamal

... Petitioner

.Vs.

The State represented by its,
1.The Deputy Inspector General of Prison,
Madurai Zone,
Madurai-625 001.

2.The Superintendent,
Palayamkottai Central Prison,
Palayamkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to grant ordinary leave for 40 days without escort to the detenu Thangaraj, S/o.Peniyovan, aged about 38 years bearing convict No.3634 at Central Prison, Palayamkottai.



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For Petitioner : Mr.S.Manoharan
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

JUDGMENT

(Order of the Court was made by R. SURESH KUMAR,J.)

The prayer sought for in this writ petition is to direct the respondents to grant ordinary leave for 40 days without escort to the detenu Thangaraj, S/o.Peniyovan, aged about 38 years bearing convict No.3634 at Central Prison, Palayamkottai.

2. The husband of the petitioner, who is the convict, has been in jail at the second respondent prison and according to the petitioner, her husband is entitled to get 40 days ordinary leave or 6 days emergency leave. In this regard, after having given request to that effect, he had approached this Court by filing the present writ petition with the afore stated prayer.



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3. During the pendency of the writ petition, the said request made on behalf of the petitioner for her husband to get an ordinary leave of 40 days, have not been considered and was rejected, by the second respondent by its proceedings dated 03.03.2023, where, citing the relevant rule, the second respondent has rejected the said plea that the convict i.e., the husband of the petitioner is not entitled to get the ordinary leave of 40 days.

4. However, insofar as the alternate plea of the petitioner to grant at least shorter leave period of 6 days as emergency leave on medical ground when it was pleaded before this Court stating that they need some treatment to both the petitioner and her husband i.e., convict and therefore, for that purpose, since medical certificate has been issued by the concerned doctor, based on which, the learned counsel for the petitioner wants a direction from this Court to give a direction to the second respondent to consider at least for emergency leave of 6 days.

5. Heard Mr.A.Thiruvadikumar, learned Additional Public Prosecutor, who would submit that, insofar as the ordinary leave is concerned since he was not



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eligible that was rejected, however, insofar as the consideration of grant of emergency leave is concerned, if at all the petitioner is taking medical certificate and that can be produced before the second respondent, on receipt of the same, it would be considered as stated by the second respondent within a period of 10 days from the date of receipt of such medical certificate and accordingly, orders would be passed.

6. Having considered the said submission made by the learned counsel appearing for the respondents and recording the same, this Court feel that this writ petition can be disposed of with the following order:-

“that it is open to the petitioner to produce the medical certificate to the second respondent forthwith and on receipt of the same, the second respondent shall consider the said medical requirements on the petitioner and her husband and accordingly, take a decision as to whether this petitioner's husband is entitled for any emergency leave and if so, the same can be considered and granted and the said decision can be taken by the second respondent within 10 days from the date of



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7. With above said direction and observation, the writ petition is disposed of. No costs.

[R.S.K.,J.] [K.K.R.K.,J.]
17.03.2023

Index : Yes / No
Internet : Yes / No
am

To

- 1.The Deputy Inspector General of Prison,
Madurai Zone,
Madurai-625 001.
- 2.The Superintendent,
Palayamkottai Central Prison,
Palayamkottai.



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R. SURESH KUMAR, J.
and
K.K.RAMAKRISHNAN, J.

am

JUDGMENT MADE IN
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17.03.2023