



W.P.(MD)No.6346 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Mahalakshmi

... Petitioner / Wife of the Prisoner
Vs.

1.The Deputy Inspector General of Prison,
Madurai Zone, Madurai Central Prison,
Madurai-625001.

2.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli-627002.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to take appropriate action on the petitioner's representation dated 01.03.2023 and subsequently, grant 40 days of ordinary leave without escort to the petitioner's husband, namely, Sathish @ Sadhasivaperumal, convicted prisoner No.3367 confined in the Palayamkottai Central Prison.



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For Petitioner : Mr.R.Narayanan

For Respondents : Mr.A.Thiruvadi Kumar,

Additional Public Prosecutor

ORDER

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

This Writ Petition is filed for a direction to the respondents to take appropriate action on the petitioner's representation dated 01.03.2023 and subsequently, grant 40 days of ordinary leave without escort to the petitioner's husband, namely, Sathish @ Sadhasivaperumal, convicted prisoner No.3367 confined in the Palayamkottai Central Prison.

2.The husband of the petitioner is in incarceration at the 2nd respondent jail to undergo 10 years rigorous imprisonment, since he has been convicted under POCSO Act.

3.Since he has completed two years of his punishment, he becomes eligible to seek for ordinary leave. Therefore, in order to get such ordinary leave on behalf of the prisoner the petitioner / wife of the prisoner has made a representation dated 01.03.2023 to the jail authorities. Since the same has not been considered, this Writ Petition has been filed.



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4. Heard the learned counsel appearing for the petitioner, who reiterating the said submissions seeks indulgence of this Court to consider the representation made by the petitioner for grant of ordinary leave to the prisoner, who is the husband of the petitioner.

5. Heard the learned Additional Public Prosecutor appearing for the respondents, who would submit that according to the eligibility, the plea of the petitioner would be considered for the purpose of grant of ordinary leave to the prisoner, ie., the husband of the petitioner within a time frame that may be stipulated by this Court.

6. Considering the said submissions made by both parties, especially, the stand taken by the learned Additional Public Prosecutor for the respondents, this Court is inclined to dispose of this Writ Petition with the following order:-

“that there shall be a direction to the 1st respondent to consider the representation of the petitioner dated 01.03.2023 and pass necessary orders thereon with regard to the grant of ordinary



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leave to the petitioner's husband as per his eligibility under the relevant rule with or without escort depending upon the situation, within a period of ten (10) days from the date of receipt of a copy of this order.”

7. With this direction, this Writ Petition is disposed of. No costs.

(R.S.K., J.) & (K.K.R.K, J.)

26.04.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MYR

To

1. The Deputy Inspector General of Prison,
Madurai Zone, Madurai Central Prison,
Madurai-625001.

2. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli-627002.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

MYR

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