



W.P.(MD)No.6567 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.6567 of 2023

Muppidathi

... 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, Balachandar, convicted prisoner No.1253 confined in the Palayamkottai Central Prison.



W.P.(MD)No.6567 of 2023

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, Balachandar, convicted prisoner No.1253 confined in the Palayamkottai Central Prison.

2. The petitioner's husband Balachander has been confined at the Second Respondent Central Prison to undergo the sentence of 10 years imprisonment, subsequently reduced to 7 years, since he has been convicted for the offence of rape.

3. According to the petitioner, her husband becomes eligible to get ordinary leave on merits as per the rules as well as on medical grounds. Therefore, in order to consider the said request and to grant him ordinary



W.P.(MD)No.6567 of 2023

leave, she has given a representation on 01.03.2023. Since the same has not been considered, this Writ Petition has been filed.

4. Heard Mr.R.Narayanan, learned counsel appearing for the petitioner, who reiterated 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 Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents, who would submit that in order to consider the said representation given by the petitioner a report has to be obtained from the local police as well as the probation officer, based on which only a decision has to be taken, therefore, the said representation made by the petitioner dated 01.03.2023 would be considered after the receipt of the report and orders would be passed therein 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



W.P.(MD)No.6567 of 2023

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, of course after considering the report to be obtained in this regard, and pass necessary orders thereon with regard to the grant of ordinary 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 two weeks 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

SJ

Note: Issue order copy by 27.04.2023



W.P.(MD)No.6567 of 2023

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.

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



WEB COPY



W.P.(MD)No.6567 of 2023

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

SJ

W.P.(MD)No.6567 of 2023

26.04.2023