



W.P.(MD)No.11627 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.07.2023

CORAM :

**THE HONOURABLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR**

W.P.(MD) No.11627 of 2023

C.Selvam

.. Petitioner

vs.

1.The Director General of Police/
Director of Prisons and Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irvin road,
Egmore, Chennai.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Trichy.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy.

4.The Superintendent of Prison,
Puzhal Central Prison,
Chennai.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to provide adequate



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escort for enabling the petitioner by name Selvam, S/o.Chinnadurai (CP.No. 23170) aged 53 years now confined in Central Prison, Trichy to avail 6 days emergency leave already granted by the third respondent or on the basis of producing sureties of 5 persons in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

[Order of the Court was made by ***M.S.RAMESH, J.***]

The prayer in the present Writ Petition is for providing adequate escort for enabling the petitioner by name Selvam, S/o.Chinnadurai (CP.No. 23170) aged 53 years, now confined in Central Prison, Trichy to avail 6 days emergency leave already granted by the third respondent or on the basis of producing sureties of 5 persons in accordance with law within a time stipulated by this Court.



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2. On 18.07.2023, we had passed an interim order as follows:

“The petitioner is the Convict prisoner No.23170 in Crime No.206 of 1993 on the file of the Vadaseri Police Station, convicted in S.C.No.90 of 1997 by the learned Additional Sessions Judge, Nagercoil.

2. The Superintendent of Central Prisons, Trichy had granted six days emergency leave to the petitioner together with police escort to visit his wife, namely, Evlln Jenila at Door No.223/21A, Abraham Street, New Kudiyiruppu, Agastheesvaram, Nagercoil, Kanyakumari District, who is seriously ill. For the purpose of escort, the Superintendent of Prison, Trichy had been addressing the Commissioner of Police, Trichy through letters dated 13.07.2023, 14.07.2023 and 15.07.2023. In view of the non-compliance of the Superintendent's request for providing the escort, the emergency leave granted to the petitioner had not been executed. When the third respondent herein has already granted leave on the ground that the petitioner's wife is seriously ill, not providing escort for the purpose of executing the leave period is unreasonable, particularly, when there is a medical emergency. It has also been brought to the notice of the Commissioner of Police, Trichy that the present leave is the subject matter of the writ petition pending before this Court.



3. In this background, we are of the firm view that the Commissioner of Police, Trichy, can be directed to provide escort for six days emergency leave period to the petitioner. Accordingly, there shall be an interim direction to the Commissioner of Police, Trichy, to forthwith provide escort to accompany the petitioner, for the purpose of visiting his wife, namely, Evlln jenila, for a period of six days commencing from 21.07.2023, which shall be done on or before 20.07.2023.

4. At this juncture, the learned counsel appearing for the petitioner submitted that the petitioner is in financial constraint and already considerable amount has been spent for his wife's medical expenses. Taking into account of this fact, the State shall bear the cost of the escort.”

3. In the light of the aforesaid directions, the matter was posted today for recording compliance of this order.

4. Today, when the matter was called, the learned Additional Public Prosecutor submitted that the order of this Court dated 18.07.2023 has been fully complied with. Hence, the grievance of the petitioner has been met and no further orders are required in this Writ Petition.



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5. Accordingly, the Writ Petition stands closed. No costs.

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(M.S.R., J.) (M.N.K., J.)
31.07.2023

NCC : Yes/No
Index : Yes/No
Speaking/Non-speaking order
vsm

To

- 1.The Director General of Police/
Director of Prisons and Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irvin road,
Egmore, Chennai.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Trichy.
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Chennai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
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vsm

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