



W.P.(MD) No.11661 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P.(MD) No.11661 of 2023

and

W.M.P.(MD) No.10120 of 2023

Yokanayaki

... Petitioner

-VS-

The State represented by its

- 1.The Secretary to
Government of Tamil Nadu
Home Department
Fort St.George
Chennai-600 009
- 2.The Deputy Inspector General of Prison
Trichy Zone
Trichy-625 001
- 3.The Superintendent
Trichy Central Prison
Trichy

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for records pertaining to the impugned order Moo.Mo.No.6876/Tha.Ku.4/2023, dated 03.05.2023, passed by the third respondent and quash the same as illegal and consequently direct the respondents to grant emergency leave for 6 days without escort to the detenue Jeyakanthan, son of Samikannu, aged about 26 years, Convict No. 24153 at Central Prison, Trichy.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

Heard the learned counsel on either side.

2. As rightly pointed out by the learned Additional Public Prosecutor appearing for the respondents, the petitioner had already moved this Court by filing a writ petition in W.P.(MD) No.10489 of 2023 seeking a direction to the respondents to grant ordinary leave for forty days to the



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detenu and the earlier Division Bench of this Court was not inclined to accept the said request. Thereupon, the petitioner had withdrawn the said writ petition with liberty to move this Court for suspension of the sentence. Instead of filing a petition for suspension of sentence at least for the interim period, the petitioner chose to file a fresh writ petition. We are of the clear view that the present writ petition is not in consonance with the liberty granted in the earlier writ petition. The petitioner has to necessarily apply for suspension of sentence or seek interim bail. With this liberty to the petitioner, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [S.S.Y., J.]

11.05.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk / btr



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