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Cont.P.(MD) No.1637 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	03.11.2023
Pronounced on	17.11.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

Cont.P.(MD) No.1637 of 2023

J.Anthony Bipin Raj

... Petitioner

Vs.

The State represented by its

1.D.Palani (DIG),
The Deputy Inspector General of Prison,
Madurai Range, Madurai – 625 001.

2.Vasanthan Kannan,
The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli District.

... Respondents

Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971 praying to punish the respondents for willful disobedience and not implementing the orders with letter and spirit made in W.P.(MD) No. 4493 of 2022 dated 14.03.2022.

For Petitioner : Dr.S.Manoharan



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ORDER

R.SAKTHIVEL, J.

This Contempt Petition has been filed on 25.07.2023 by the petitioner praying to punish the respondents for willful disobedience and non-implementation of an order passed by this Court in W.P.(MD) No.4493 of 2022 dated 14.03.2022.

2. The petitioner filed an affidavit in support of the present Contempt Petition, wherein, he has stated that his brother namely, Anthony Luns Lord, S/o.A.Sesususai Innasi is a life convict prisoner bearing Life Convict No.29. The prison inmate has been incarcerated at Central Prison, Palayamkottai for the past 23 years. The petitioner had sent a representation to the respondents requesting ordinary leave for the prison inmate. The respondents rejected the request of the petitioner *vide* order dated 27.01.2022. Therefore, the petitioner filed W.P.(MD) No. 4493 of 2022 praying for setting aside the said order dated 27.01.2022 and for a direction to the respondents to grant one month ordinary leave without escort to the prison inmate. The said Writ Petition was disposed of with direction to the authorities to consider the case of the prison



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inmate in the light of the directions issued by the Hon'ble Supreme Court

in ***P.Veera Bhaarathi***'s case [***The State of Tamil Nadu and others Vs.***

P.Veera Bhaarathi reported in (2019) 18 SCC 71].

3. The petitioner further stated that the respondents did not comply with the above order and therefore, he sent a representation dated 03.09.2022 to the respondents through registered post to consider the above order of this Court. Thereafter, a contempt notice dated 18.01.2023 was sent to the second respondent and the same was duly received by the second respondent. Despite receipt of the notice, the respondents did not comply with the order of this Court. Therefore, the present Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for their willful disobedience.

4. It is pertinent to note that the petitioner and the prison inmate have another brother namely, Mr.J.John Joseph Pringston and he has filed a Writ Petition in W.P.(MD) No.24656 of 2023 seeking ordinary leave to the prison inmate wherein it has been stated that the petitioner herein passed away after filing this Contempt Petition.



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5. This Court has carefully perused the case file of W.P.(MD) No. 24656 of 2023. Today, this Court has passed an order in W.P.(MD) No. 24656 of 2023 granting 40 days ordinary leave without escort to the prison inmate.

6. Considering the facts and circumstance of the case, and in view of the order passed in W.P.(MD) No.24656 of 2023, this Court is of the view that this Contempt Petition shall be closed. Accordingly this Contempt Petition is closed.

(M.S., J.) (R.S.V., J.)
17.11.2023

Index: Yes
Neutral Citation: Yes
Internet: Yes
Speaking order
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and
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Pre-Delivery Order made
in
Cont.P.(MD) No.1637 of 2023

17.11.2023