



W.P.(MD).No.21879 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.09.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

W.P.(MD).No.21879 of 2023
and
W.M.P.(MD).No.18262 of 2023

Mariyammal

.. Petitioner

Vs.

- 1.The Principal Secretary,
Home (Prison) Department,
Secretariat,
Chennai – 600 009.
- 2.The Director General of Prison,
Egmore,
Chennai – 600 008.
- 3.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai.
- 4.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to quash the order in Mu.Mu. No.2302/utha2/2022 dated 16.08.2022 passed by the 3rd respondent and consequently direct the respondents to grant 30 days ordinary leave without escort to the petitioner's son namely Mani alias Nallikkai Mani alias Manikandan (CP.No.3913) as per the rule 20(i) of Tamil Nadu Suspension of Sentence Rules, 1982.

For Petitioner : Mr.R.Vinoth Bharathi

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner's son, namely, Mani @ Nallikkai Mani @ Manikandan (C.P.No.3913), was granted ordinary leave for 28 days, through the impugned order dated 16.08.2022, with police escort. The present Writ Petition challenges that portion of the order dated 16.08.2022, which imposes a pre-condition of escort for grant of ordinary leave.



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2. In the affidavit filed in support of the present Writ Petition, it is stated that owing to poverty, the petitioner is not in a position to mobilise the amount for the escort for 28 days and therefore, she seeks for relaxation of such a condition. According to the petitioner, she is only working as a housemaid and that she is unable to mobilise the amount.

3. The learned Additional Public Prosecutor appearing for the respondents, on instructions from Mr.S.Perumal, Junior Assistant, Central Prison, Palayamkottai, had produced the original file and objected for the grounds raised by the petitioner herein.

4. We intend to take a sympathetic approach, in the light of the submission made by the petitioner touching upon her financial status. We have also taken into consideration of the fact that though the order granting ordinary leave was passed a year back on 16.08.2022, the petitioner is unable to mobilise the funds over a year. In this peculiar circumstance of the case, the pre-condition of escort imposed by the respondents, in the impugned order, is hereby relaxed.



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5. Accordingly, the impugned order passed in Mu.Mu.No. 2302/utha2/2022 dated 16.08.2022 on the file of the third respondent, insofar as it imposes the pre-condition of escort for the ordinary leave of 28 days, is modified and the following conditions are imposed:

(i) The third respondent herein shall pass appropriate orders granting ordinary leave to the petitioner's son, Mani @ Nallikkai Mani @ Manikandan (C.P.No.3913), for a period of 28 days commencing from 10.00 AM of 25.09.2023.

(ii) The aforesaid order shall also impose a condition that Mani @ Nallikkai Mani @ Manikandan (C.P.No.3913), shall report before the Inspector of Police, Tirunelveli Town Police Station, Tirunelveli, twice daily at 10.00 AM and 6.00 PM, for the entire period of ordinary leave. The third respondent shall be at liberty to impose any other reasonable conditions/restrictions during the period of ordinary leave.



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6. With the above direction, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
19.09.2023

NCC : Yes / No
Index : Yes / No
Lm

Note: Issue order copy by 21.09.2023.

To

- 1.The Principal Secretary,
Home (Prison) Department,
Secretariat,
Chennai – 600 009.
- 2.The Director General of Prison,
Egmore, Chennai – 600 008.
- 3.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai.
- 4.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
M.NIRMAL KUMAR,J.

Lm

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