



WMP(MD) No.20948 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)**

Friday, the Third day of November Two Thousand and Twenty Three

PRESENT

**The Hon`ble Mr.Justice M.SUNDAR
and
The Hon`ble Mr.Justice R. SAKTHIVEL**

**WMP(MD) No.20948 of 2023
IN
WP(MD)No. 24757 of 2023**

RAMALINGAM ... PETITIONER/FATHER OF THE DETENUE

Vs

**1 THE STATE REP BY
THE SECRETARY TO GOVERNMENT OF TAMIL NADU,
PRISON DEPARTMENT (IV),
CHENNAI 600 009**

**2 THE SUPERINTENDENT
PALAYAMKOTTAI CENTRAL PRISON,
PALAYAMKOTAI 627 007 ... RESPONDENTS**

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue an interim direction directing the respondents to grant ordinary leave for 3 months without escort to the detenue, Ravi S/o.Ramalingam, aged about 43 years, Life Convict No. 3316, confined at Central Prison, Palayamkottai.

Prayer in WP(MD). 24757/ 2023 :

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondents to consider the

<https://www.mhc.tn.gov.in/judis>



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representation dated 10.08.2023 and consecutively release the detainee, Ravi S/o.Ramalingam, aged about 43 years, LCT.No.3316, confined at Central Prison, Palayamkottai, as per the G.O(Ms) Nos. 64 (in Part IV(b)), dated 01.02.2018 and under Rule Nos. 632, 633 and 634 of the Tamil Nadu Prison Rules 1983.

ORDER : This Writ petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.MANOHARAN, Advocate for the petitioner and of MR.A.THIRUVADIKUMAR, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

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

This order will now dispose of the captioned 'Writ Miscellaneous Petition' [hereinafter 'WMP' for the sake of brevity].

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in previous listing on 13.10.2023 which reads as follows:





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and W.M. P.CMD(MD)No.20948 of 2023
as W.P.(MD)No.24757 of 2023

prison inmate has served 9 years of the sentence; that on the ground of serious illness for prison inmate ordinary leave was sought; that this ordinary leave plea was predicated on a medical report dated 06.06.2023 from Medical Officer, Central Prison, Palayamkottai; that this Court (Predecessor Bench in and by order dated 20.07.2023 in W.P.(MD)No. 17267 of 2023) acceded to the leave plea; that the prison inmate pursuant to this order availed leave from 24.07.2023 to 12.08.2023 without escort; that this leave period passed off without any untoward incident; that prison inmate returned and surrendered on elapsing of this period of leave; that present writ petition is predicated on a representation dated 10.08.2023 and the plea is effectively premature release vide G.O.(Ms).No.64, Home (Prison-IV Department) dated 01.02.2018 read with Rule Nos.632 to 634 of the Tamil Nadu Prison Rules, 1983.

3.Dr.S.Manoharan, learned counsel for writ petitioner, who is on a Video Conferencing platform (to be noted, this is a hybrid hearing) adverting to the aforesaid facts placed emphasis on

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aforesaid 06.06.2023 Medical report from the Medical Officer, Central Prison, Palayamkottai, submits that the condition of the prison inmate is the same the disease can only be managed but not cured and therefore the further leave plea. Learned counsel also submits that the main prayer in main writ petition (i.e., captioned writ petition) is for premature release (as alluded to supra) and the interim prayer in the captioned 'Writ Miscellaneous Petition' [hereinafter 'WMP' for the sake of convenience and clarity] is for three months ordinary leave without escort.

4.Issue notice.

5.M.A.Thiruvadi, Kaveri, learned State Additional Public Prosecutor, accepts notice for both respondents.

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3. Pursuant to the aforementioned proceedings and more particularly paragraph No.3 therein, learned Prosecutor has placed before us a medical report dated 03.11.2023 from the Medical Officer of Central Prison, Palayamkottai. A careful perusal of the medical report brings to light that the prison Doctor also has opined that the disease cannot be cured. This means that the disease has to be managed.

4. Adverting to the earlier submissions (captured in 13.10.2023 proceedings) Dr.S.Manoharan, learned counsel for petitioner submitted that his earlier submission now stands vindicated. He has also pointed out that it has been held by Hon'ble Supreme Court and by this Court that a prisoner and his fundamental rights do not part ways at the prison gates. This means that the prison inmate would be entitled for medical management of his choice.



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5. Considering the facts and circumstances of the case, pending main writ petition we deem it appropriate to grant one month ordinary leave without escort for the prison inmate, namely, Thiru.Ravi S/o.Thiru.Ramalingam, aged 43 years (LCT.No.3316), now confined at Central Prison, Palayamkottai, on condition that the prison inmate shall sign before jurisdictional Magistrate (we are informed that jurisdictional Magistrate is Judicial Magistrate, Vilathikulam) every Monday and Friday in the forenoon. The one month ordinary leave without escort will be from 09.11.2023 to 09.12.2023. The prison inmate shall surrender in the office of the second respondent on 10.12.2023 (Sunday) by dusk i.e., (5.30 p.m.).

6. Captioned WMP is disposed of in the aforesaid manner. There shall be no order as to costs.

sd/-
03/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN
TO

1 THE SECRETARY TO GOVERNMENT OF TAMIL NADU,
PRISON DEPARTMENT (IV),CHENNAI 600 009



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2 THE SUPERINTENDENT
PALAYAMKOTTAI CENTRAL PRISON,
PALAYAMKOTAI 627 007

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE JUDICIAL MAGISTRATE, VILATHIKULAM .

ORDER
IN
WMP(MD) No.20948 of 2023
IN
WP(MD)No. 24757 of 2023
Date :03/11/2023

PKP/VRS/SAR- /07.11.2023/ 6P/ 5C
Madurai Bench of Madras High Court is issuing certified
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