



W.P.(MD)No.29113 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.(MD)No.29113 of 2023

and

W.M.P.(MD)No.25164 of 2023

Sundararajan

: Petitioner

Vs.

1.The Deputy Inspector General (prison),
Prisons Department,
Trichy Range,
Trichy.

2.The Superintendent of Prisons,
Central Prison,
Trichy.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned rejection order issued by the first respondent in his proceedings in No.106/Mu Vu/2023 dated 30.11.2023 and quash the same as illegal and unconstitutional and consequently to grant leave to the petitioner's son namely Anbalagan from 09.12.2023 till 22.12.2023 so as to



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enable him to attend the marriage of my brother's son which is scheduled to be held on 14.12.2023 at Kanchi Sankara Thirumana Mahal, Sekkanganni Road, Kumbakonam.

For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.A.Thiruvadi Kumar,

Additional Government Pleader

O R D E R

[Order of the Court was made by M.SUNDAR, J.]

Captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] has been filed in this Court on 05.12.2023, assailing an order dated 30.11.2023 bearing reference No.106/Mu Vu/2023 made by the first respondent rejecting WP petitioner's request for three [3] weeks leave for his son Anbarasu [convict prisoner No.23359] now lodged in Central Prison, Trichy [WP petitioner's son shall be referred to as 'said prison inmate' for the sake of convenience and using a refined glossary], leave was sought on the ground that said prison inmate has to attend his cousin Ramalingam's wedding on 14.12.2023. To be noted, Thiru.Ramalaingam is WP petitioner's brother's son and therefore said prison inmate's cousin. To be further noted, the prayer wrongly mentions the prison inmate as Anbalagan instead of Anbarasu and learned Counsel for WP petitioner regrets for this error.



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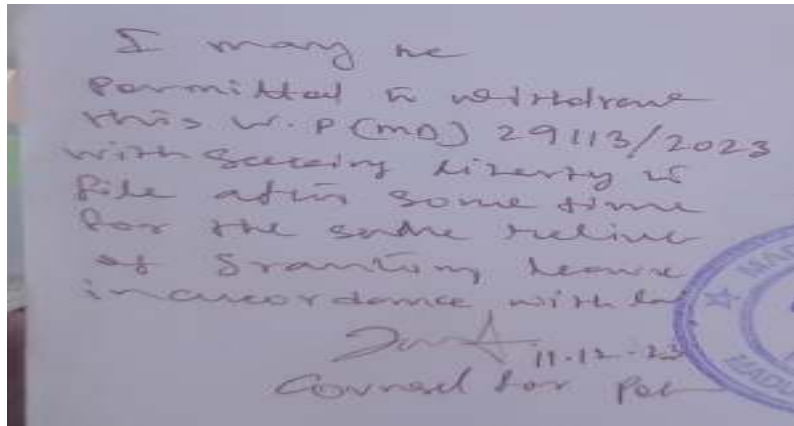
2.In and by the impugned order, first respondent has rejected the plea primarily on the ground that prison inmate has not completed three years of sentence. According to the impugned order, prison inmate has completed only two years five months and four days as of 17.11.2023. This is seriously disputed by learned Counsel for WP petitioner saying that the FIR is dated 04.12.2018, he was arrested and remanded on 12.12.2018, he remained in prison till conviction on 13.01.2020 and continued to be in prison till 29.10.2022, when the sentence was suspended pending appeal by this Court. The appeal was ultimately dismissed by this Court on 03.03.2023.

3.Be that as it may, in a nutshell, it is the argument of learned Counsel for WP petitioner that said prison inmate has completed three years of sentence as of today. This question is left open when said prison inmate applies for leave. However, in the present case, considering various other aspects of the matter, learned Counsel sought leave of this Court to withdraw the captioned WP and learned Counsel on record Mr.B.Jameelarasu, had made an endorsement in the case file and a scanned reproduction of the same is as follows:



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4. In the light of the narrative thus far, captioned WP is disposed of as closed albeit with preservation of all the rights and contentions of WP petitioner and / or anyone concerned for said prison inmate to apply for leave afresh later. Though obvious, we make it clear that when said prison inmate applies for leave later, the same shall be considered on its own merits and in accordance with law untrammelled ie., de hors this order of withdrawal / closure of captioned WP. Consequently, captioned WMP is also disposed of as closed / withdrawn. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]

11.12.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

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Prisons Department,
Trichy Range,
Trichy.

2.The Superintendent of Prisons,
Central Prison,
Trichy.



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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

MR

ORDER MADE IN
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11.12.2023