



W.P.(MD)No.29763 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.(MD)No.29763 of 2023

Maarikannu

: Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Home Department, (Prison Branch – IC),
Fort St. George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Trichy Range,
Trichy – 620 020.

3.The Superintendent,
Trichy Central Prison,
Trichy – 620 020.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to grant ordinary leave for 30 days without escort to the detenu



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Ilavarasan S/o.Munniyappan, aged about 27 years, bearing Convict No.23167, detained at Central Prison, Trichy.

For Petitioner : Ms.S.Lakshmi
For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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 11.12.2023.

2.Factual matrix in a nutshell is that WP petitioner's spouse one Thiru.Ilavarasan, son of Thiru.Muniyappan, is a life convict now lodged in Trichy Central Prison; that WP petitioner's spouse shall be referred to as 'said prison inmate' for the sake of convenience and clarity and with an intention of using better / refined glossary; that WP petitioner has made a 'representation dated 27.10.2023' [hereinafter 'said representation' for the sake of convenience and clarity] seeking 30 days ordinary leave without escort for said prison inmate *inter alia* on the ground that mother of said prison inmate [mother-in-law of WP petitioner] is very



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unwell and that arrangements for livelihood of prison inmate's family and for settlement of life after release have to be made.

3.Aforementioned said representation is lying unattended necessitating the filing of captioned WP is learned Counsel Ms.Lakshmi's say. To be noted, Ms.S.Lakshmi, learned Counsel on record for the WP petitioner is on a 'Video Conferencing' [hereinafter 'VC' for the sake of brevity] platform before us.

4.Issue notice.

5.Mr.A.Thiruvadi Kumar, learned State Additional Public Prosecutor accepts notice for all three respondents. To be noted, learned Prosecutor is before us in the physical Court and therefore, it is further to be noted that this is a hybrid hearing which is a regular phenomena in this Court.

6.Learned Prosecutor, on instructions submits that said representation is being attended to. Learned Prosecutor submits that reports have been requisitioned from the jurisdictional Probation Officer as well as the jurisdictional police station.



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Learned Prosecutor also submits that one week from today will be a realistic and reasonable time frame for taking a decision. To be noted, decision has to be taken by the second respondent as it is a prayer for leave and this is owing to Rule 19 of 'the Tamil Nadu Suspension of Sentence Rules, 1982' [hereinafter 'said Rules' for the sake of brevity, convenience and clarity].

7.In the light of the narrative thus far, owing to the narrow scope of the captioned WP and the trajectory the matter has taken, main WP was taken up. Main WP is disposed of, with a direction to the respondent, more particularly to the second respondent to take a decision within a week ie., within **22.12.2023** on the representation of the WP petitioner seeking 30 days ordinary leave for said prison inmate as expeditiously as his business would permit but in any event within one week from today ie., within **22.12.2023**.

8.Before writing the concluding paragraph of this order, we deem it appropriate to extract and reproduce the said representation and the same is as follows:



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அனுப்புநர்

27.10.2023

மாரிக்கண்ணு,
த.பெ.இளவரசன்
எண்-2/66, ரெங்கநாதபுரம்,
வினார் சேரட்டு,
தஞ்சாவூர் - 613 006.

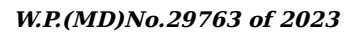
பெறுநர்:

1. உயர்நீதி உள்துறை-செயலாளர் அவர்கள்,
சிறைத்துறை பிரிவு-V,
தனியமைச் செயலகம்,
சென்னை- 600 009.
2. உயர்நீதி சிறைத்துறை துணை தலைவர் (வவு) அவர்கள்,
நிருசசி சரகம்,
நிருசசி - 620 020.
3. உயர்நீதி கண்காணிப்பு அலுவலர்கள்,
நிருசசி மத்திய சிறை,
நிருசசி- 620 020.

இயர்,

பெருள்: எனது கணவர் இளவரசன், த.பெ.முனியப்பன்-க்கு 30
நாட்கள் வடிக் தாவல் இன்றி விடுமுறை வேண்டி மனு.

எனது கணவர் இளவரசன் த.பெ.முனியப்பன் கடந்த நான்கு
வருடங்களாகும் மேலாக ஆயுள் தண்டனை சிறைவாசியாக நிருசசி
மத்திய சிறையில் இயந்து வருகிறார் எனது கணவர் சிறைக்கு
செவ்வதிறு முன்பே கணவரின் அப்பாவும், அம்மாவும் வயதான
நிளவைய அடைந்தவர்கள். அவர்களில் எனது கணவரின் தாயாளுக்கு
அவ்வப்போது உடல்நிலை பரையில்லாமல் மருத்துவமனைக்கு
அனுத்துச் செல்வது வழக்கம் தற்போது அவருக்கு மேல் சிகிச்சை
செய்ய வேண்டிய இருப்பதால் எனது கணவரின் வருகை மிக
அவசியமாக இருக்கிறது.



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



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9.Though obvious, we make it clear that second respondent shall take a decision on merits and in accordance with law as we have not expressed any view or opinion on the petitioner's plea for 30 days ordinary leave but we deem it appropriate to record that learned Prosecutor submitted on instructions that as on 02.11.2023, said prison inmate has completed four years two months and two days of sentence, which means he is eligible for 21 days ordinary leave. This eligibility shall be borne in mind by second respondent while taking a decision on said representation.

10.Captioned WP is disposed of in the aforesaid manner with the aforesaid observation and directive. There shall be no order as to costs.

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

15.12.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

Post Script: (i) Upload forthwith.

(ii) All concerned are to act on this order being uploaded in official website of this Court without insisting on certified copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



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

MR

ORDER MADE IN
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