



W.P.(MD).No.942 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD).No.942 of 2024

E.Stalin

.. Petitioner/Brother of the detenu

Vs.

The State Represented by its,

1.The Secretary to the Government
of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai - 600 009.

2.The Director Inspector General of Prison,
Madurai Range,
Madurai - 625 001.

3.The Superintendent,
Central Prison,
Palayamkottai - 627 007.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to grant ordinary leave for 40 days without escort to the petitioner's brother, the detenu, E.Manikandan, S/o.Esakkimuthu, aged about 41 years, Convict No.3741, detained at Central Prison, Palayamkottai.



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W.P.(MD).No.942 of 2024

For Petitioner : M/s.K.Akshaya
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The petitioner herein is the brother of the life convict, by name, E.Manikandan. The petitioner has sent a representation to the respondents on 20.12.2023 seeking for grant of 40 days ordinary leave to the life convict without police escort to enable the convict to get treatment for his eye ailment and for the treatment of his daughter. Since the said representation was not taken up for consideration, the present Writ Petition is filed.

2. The learned Additional Public Prosecutor appearing for the respondents has furnished the copy of the proceedings of the second respondent dated 30.01.2024, wherein, the petitioner's representation dated 20.12.2023 has been positively considered and 28 days of ordinary leave has been granted to the convict with police escort on condition that he furnishes own bond for Rs.500/- with two sureties each for a like sum.



W.P.(MD).No.942 of 2024

3. The said proceedings was read over to the learned counsel for the petitioner, who appeared through video conference. The learned counsel for the petitioner made a request that though the representation was submitted seeking to grant leave to the convict without escort, the second respondent, through his proceedings dated 30.01.2024, has granted leave to the convict with escort. Hence, the said condition may be relaxed.

4. This Court, on considering the facts of the case, is not inclined to accede to the request made by the learned counsel for the petitioner, since in the wisdom of the prison authorities, they have thought fit that the convict shall be escorted by the Police for safety reasons.

5. In the light of the above fact, the Writ Petition is disposed of as the request of the petitioner has been substantially complied. There shall be no order as to costs.

(G.J.,J.) (C.K.,J.)
27.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



W.P.(MD).No.942 of 2024

To

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of Tamil Nadu, State,
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3. The Superintendent,
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Palayamkottai - 627 007.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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