



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.02.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P.(MD) No.2225 of 2024
and
W.M.P(MD)No.2230 of 2024**

Pazhaniammal ... Petitioner/Mother of the detenu

-VS-

1.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 Deputy Inspector General of Prison,
Trichy Range,
Trichy Central Prison,
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 for issuance of a Writ of Certiorarified Mandamus calling for the



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records pertaining to the impugned order bearing No. 106.Mu.Vu./2023, dated 12.12.2023 passed by the second respondent and to quash the same and consequently to direct the respondents to grant ordinary leave for 30 days without escort to the detenu Soundarajan, son of Subramani, aged about 35 years, Convict No. 22527, confined at Central Prison, Trichy.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.S.Ravi,
Addl.Public Prosecutor

ORDER

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

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order bearing No.106.Mu.Vu./2023, dated 12.12.2023 passed by the second respondent and to quash the same and consequently to direct the respondents to grant ordinary leave for 30 days without escort to the detenu Soundarajan, son of Subramani, aged about 35 years, Convict No.22527, confined at Central Prison, Trichy.



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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The request for ordinary leave is denied on the ground that there is another case pending against the convict in S.C.No.79 of 2015, on the file of Additional Assistant Sessions Judge, Coimbatore for the offence under Section 307 of IPC. However, after filing of the Writ Petition, it is now brought to the notice of this Court by the learned Additional Public Prosecutor appearing for the respondents that the said criminal case, ended in acquittal. Therefore, the ground for not considering the grant of ordinary leave is no more.

4. In the light of the above facts, this Court is of the view that it is suffice to dispose of the Writ Petition, with a direction to the Petitioner to make a fresh application to the Prison authorities for ordinary leave. If such application is made, the prison authorities shall consider the same in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of request/application from the Petitioner.



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5. With the above directions, the Writ Petition stands disposed of. There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[G.J.,J.] [C.K.,J.]
28.02.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To:

1. The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai -600 009.
2. The Deputy Inspector General of Prison,
Trichy Range,
Trichy Central Prison,
Trichy – 620 020.
3. The Superintendent,
Trichy Central Prison,
Trichy- 620 020.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

vsn

ORDER MADE IN

W.P.(MD) No.2225 of 2024
and
W.M.P(MD)No.2230 of 2024

28.02.2024