



W.P.(MD)No.6569 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND**

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

Writ Petition(MD)No.6569 of 2024

and

W.M.P(MD)No.6767 of 2024

T.Blessita

: Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home (Prison V) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director General of Police,
Gandhi Edwin Road,
Egmore,
Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison (Puzhal),
Chennai.

: Respondents



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PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 16.02.2024 passed by the respondent No.2 in No.175/Mu.Oo/2024 and quash the same as illegal and subsequently direct the respondents to grant three months ordinary leave to petitioner's husband, namely, Thiyagu @ Thiyagarajan (C.T.No.8434), who is undergone for more than three years and ten months (From 09.02.2020) of imprisonment as per Rule 40 of Tamilnadu Suspension of Sentence Rules 1982.

For Petitioner : Mr.A.Manoj Kumar

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

ORDER

DR.G.JAYACHANDRAN,J.

and

C.KUMARAPPAN,J.

The petitioner's request for grant of ordinary leave for the Convict was rejected by the prison authority on the ground that there are two more



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murder cases pending against the Convict and therefore, he is not eligible for ordinary leave. The said rejection order dated 16.02.2024 is challenged in the writ petition. Simultaneously, the miscellaneous petition is also filed seeking 30 days emergency leave for the detenu to attend the surgery of the his wife. In this regard, medical records have also been enclosed.

2. This Court, on perusing the medical records of the detenu's wife understood incidentally that the petitioner herein does not find any urgency on medical intervention, for which, the presence of the detenu is required.

3. The learned Additional Public Prosecutor also submitted that apart from two murder cases which are still pending, there is also threat to the life of the detenu from the rival gang.

4. In the light of the above fact, the reason given by the prison authority based on the report obtained from the local police, cannot be overlooked. Since the life of the Convict is also to be taken note of, this Court cannot act under the guise of personal liberty exposing the detenu's



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danger. Hence, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

(G.J.,J.) (C.K.,J.)
26.03.2024

skn

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

1.The Principal Secretary to Government,
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3.The Superintendent of Prison,
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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Order made in
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and
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