



W.P.(MD) No.8876 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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Maruthambal

... Petitioner

-vs-

- 1.The Principal Secretary to Government
Home, Prohibition & Excise (Prison-IV)
Fort St.George, Chennai-600 009
- 2.Director General of Prisons
Tamil Nadu Prisons Headquarters
Whannels Road
Egmore, Chennai-600 008
- 3.The Deputy Inspector General of Prisons
Trichy Range
Race Course Road
Trichy-620 023
- 4.The Superintendent of Prisons
Central Prison
Trichy-620 020

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the third respondent vide proceedings in No. 106/MuVu/2023, dated 13.03.2024 and quash the same as illegal and void and then consequently, grant 21 days ordinary leave without police escort to the petitioner's son Mahendran, son of Chidambaram (Convict Prisoner No. 24829), lodged at Central Prison, Tiruchirappalli, based on her representation, dated 09.12.2023, forthwith.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Prayer in this writ petition is to quash the order dated 13.03.2024, passed by the third respondent, rejecting the petitioner's representation dated 09.12.2023 seeking grant of ordinary leave for her son, namely, Mahendran (C.P.No.24829).



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2. The case of the petitioner is that her son Mahendran is a convict and he is in incarceration pursuant to the Judgment dated 07.08.2019, passed in S.C.No.77 of 2015, by the Mahila Court, Coimbatore. The appeal preferred by the convict against the conviction and sentence imposed on him is pending before this Court in CrI.A.(MD) No.102 of 2020.

3. It is the further case of the petitioner that her daughter-in-law / wife of the convict is suffering from illness and the Doctor has advised her to take proper treatment. Hence, the petitioner needs assistance of her son (convict) for providing medical treatment to his wife and thereby she made a representation, dated 02.12.2023, to the respondents seeking grant of thirty days ordinary leave to her son (convict). However, the same has been rejected by the impugned order of the third respondent citing pendency of the appeal preferred by the convict before this Court challenging the conviction and sentence imposed on him by the Trial Court. Therefore, the present writ petition.

4. Learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the appeal preferred by the convict challenging the conviction and sentence imposed on him by the Trial



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Court is pending before this Court and from the date of conviction, he is in incarceration and so far, he has not availed any leave.

5. Taking into consideration the facts that the convict's wife is suffering from illness and she needs some medical treatment, we are inclined to direct the respondents to grant six days emergency leave to the petitioner's son.

6. Accordingly, the writ petition is disposed of with the following directions:

- (i) The respondents are directed to grant six days emergency leave to the petitioner's son, namely, Mahendran, (Convict No.24829).
- (ii) He shall report back to the Superintendent of Prison, Central Prison, Trichy / fourth respondent, by 10.00 a.m., on completion of the leave period.
- (iii) Necessary escort shall be provided to accompany the convict prisoner.



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- (iv) The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment period.
- (v) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities,
- (vi) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.
- (vii) No costs.

[A.D.J.C., J.]

[K.R.S., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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