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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

W.P.(MD) No.8962 of 2024

V.Manoranjitham ... Petitioner

-vs-

1.The Home Secretary
Home Department (Prison)
Secretariat, Fort St.George
Chennai-600 009

2.The Director General of Prison
and Inspector General of Prison
Whannels Road
Egmore, Chennai-8

3.Deputy Inspector General
Department of Prisons and Corrections
Madurai Saragam, Madurai

4.The Superintendent of Prison
Madurai Central Prison
Madurai District ... 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 proceedings of the respondents 3 and 4 in No.239/U.Tha.2/2024, dated 06.03.2024 and quash the same and direct the respondents 3 and 4 to enlarge the petitioner's husband Veerakumar, son of Thamilan (Conviction No.1265), to grant one month leave without escort, confined at Central Prison, Madurai.

For Petitioner : Mr.G.Murugendran

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

O R D E R

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

Prayer in this writ petition is to quash the order dated 06.03.2024, passed by the third respondent, rejecting the petitioner's representation dated 09.02.2024 seeking grant of ordinary leave for husband, namely, Veerakumar (C.P.No.1265).

2. The case of the petitioner is that her husband Veerakumar is a convict and he is in incarceration pursuant to the Judgment dated 26.07.2022, passed in C.C.No.273 of 2020, by the II Additional Sessions Court

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for NDPS Act Cases, Madurai and the appeal preferred by the convict against the conviction and sentence imposed on him is pending before this Court.

3. It is the further case of the petitioner that she needs the presence of her husband (convict) for school admission of their children and for making arrangements for their livelihood. Hence, she made a representation, dated 09.02.2024, to the respondents seeking grant of thirty days ordinary leave to her husband (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 and he is convicted for the offence punishable under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. 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 Court is pending before this Court and as on date he has completed two years of imprisonment and he has not availed any leave sofar

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5. Taking into consideration the facts that the petitioner, who is the wife of the convict, requires the presence of her husband (convict) for school admission of their children and for making arrangements for their livelihood, we are inclined to direct the respondents to grant six days emergency leave to the petitioner's husband.

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 husband, namely, Veerakumar, (Convict No.1265).

(ii) He shall report back to the Superintendent of Prison, Central Prison, Madurai / fourth respondent, by 10.00 a.m., on completion of the leave period.

(iii) Necessary escort shall be provided to accompany the convict prisoner.

(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.

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(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.]

11.07.2024

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

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To:
1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director General of Prison
and Inspector General of Prison,
Whannels Road,
Egmore, Chennai-8.

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3.The Deputy Inspector General,
Department of Prisons and Corrections,
Madurai Saragam, Madurai.

4.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

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AND
K.RAJASEKAR, J.

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