



WEB COPY



W.P.(MD) No.8959 of 2024

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.8959 of 2024
and
W.M.P.(MD) No.8148 of 2024**

Anusiya

... Petitioner

-VS-

1.The Secretary to Government
Home Department (Prison)
Government of Tamil Nadu
Secretariat, St.George Fort
Chennai-9

2.The Additional Director General
of Police (Prisons) /
The Inspector General of Police
Office of ADGP (Prisons) / I.G.of Prisons
Thalamuthu Natarajar Maaligai
Egmore, Chennai-8

3.The Deputy Inspector General of Prisons
Prisons and Correctional Services Department
Madurai Range, Madurai

4.The Superintendent of Prison
Central Prison, Madurai

... 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 of the third respondent impugned order in No.315/UTha2/2024, dated 08.03.2024 and quash the same as illegal and consequently directing the respondents to grant one month emergency leave without escort to the petitioner's father, namely, Jeyakumar, son of Ramachandran, a convict prisoner (Convict Prisoner No. 5805), now confined under Central Prison, Madurai, for the purpose of attending serious illness of petitioner's daughter.

For Petitioner : Mr.S.Srikanth

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 08.03.2024, passed by the third respondent, rejecting the petitioner's representation dated 16.02.2024 seeking grant of emergency leave for her father, namely, Jeyakumar (C.P.No.5805).

2. The case of the petitioner is that her father Jeyakumar is a convict and he is in incarceration pursuant to the Judgment dated



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29.09.2015, passed in S.C.No.172 of 2023, by the Sessions Court, Sivagangai.

The appeal preferred by the convict against the conviction and sentence imposed on him was dismissed by this Court and the appeal before the Honourable Supreme Court is pending disposal.

3. It is the further case of the petitioner that she is now pregnant and therefore, she requires the presence of her father during delivery time and thereby, she made a representation, dated 16.02.2024, to the respondents seeking grant of 30 days emergency leave to her father (convict). However, the same has been rejected by the impugned order of the third respondent, citing the pendency of the appeal preferred by the convict before the Apex Court challenging the conviction and sentence imposed on him by the Trial Court and confirmed by this 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 Court and confirmed by this Court is pending before the Honourable Supreme Court and as on date, he has undergone eight years of imprisonment and so far, he has gone on leave on nine occasions and during such time, no untoward incident had taken place.



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5. Taking into consideration the facts that the petitioner, who is the daughter of the convict, is pregnant and she requires the presence of her father during delivery time, we are inclined to direct the respondents to grant six days emergency leave to the petitioner's father.

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 father, namely, Jeyakumar, (C.P.No.5805), without escort.
- (ii) During the said leave period, he shall report before the Inspector of Police, Kalayarkoil Police Station, Sivagangai District, daily at 06.30 p.m., without fail.
- (iii) 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, without fail.
- (iv) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities.



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- (v) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.
- (vi) The convict shall utilize the leave only for the reason for which it has been granted and shall not partake in any other activities
- (vii) No costs. Consequently, connected miscellaneous petition is closed.

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

[K.R.S., J.]

11.07.2024

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

Note to Office:

Mark a copy of this order to the Inspector of Police, Kalayarkoil Police Station, Sivagangai District.

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To:

1. The Secretary to Government,
Home Department (Prison),
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai-9.



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