



W.P(MD)No.8956 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.04.2024

CORAM

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

W.P.(MD).No.8956 of 2024

Ayyappan

.. Petitioner

Vs.

The State represented by its,

1.The Secretary to Government of Tamil Nadu,
Home Department,
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.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to grant leave for 40 days without escort to the detenu, Kandan, S/o.Kannaiyan, aged about 52 years, Convict No.19832, confined at Central Prison, Trichy.



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For Petitioner : Ms.K.Akshaya
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The present Writ Petition is filed for a writ of mandamus directing the respondents to grant leave for 40 days without escort to the detenu, Kandan, S/o.Kannaiyan, aged about 52 years, Convict No.19832, confined at Central Prison, Trichy.

2. The case of the petitioner is that his father is a life convict. His father was under medication for heart problems. For the last few weeks, he is suffering from defect of eye vision. When he was taken to the doctor, he came to know that this is due to the growth of cyst inside his eye. Unless, he takes proper treatment, it leads to loss of his vision. So he needs good Ophthalmologist to take proper treatment. Therefore, the petitioner had applied for ordinary leave for 40 days without escort and no order has been passed by the respondent till date, he has filed the present writ petition.



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3. When the matter is taken up for hearing today, the learned

Additional Public Prosecutor appearing for the respondents submitted submit that pending the writ petition, the second respondent has passed an order, dated 26.04.2024 granting 28 days ordinary leave to the petitioner's father with escort.

4. In reply, the learned counsel for the petitioner would submit that the petitioner hails from poor background and he find it very difficult to take care of his daily expenses. He would further submit that the petitioner's father is in custody for more than 10 years. Under such circumstances, granting ordinary leave to the father of the petitioner with escort cannot be justified and thereby, would seek for modification of the order.

5. Per contra, the learned Additional Public Prosecutor would submit that as usual and regular procedure he has been directed to go along with the escort.

6. Heard the learned counsels on both sides and perused the materials available on record.



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7. The petitioner has sent representation seeking ordinary leave for his father since it was not considered he has approached this Court by way of writ of Mandamus. Now, it is submitted by the respondents that ordinary leave for 28 days has been granted to the petitioner's father with escort. It is the case of the petitioner that he hails from poor background and thereby he may not be able to afford expenses for the escort and that there is no justification for the same. In such circumstances, this Court is of the opinion that imposing a condition to go on ordinary leave along with escort is without any justification.

8. In view of the above, the condition imposed in the order dated 26.04.2024 directing the petitioner's father to go on ordinary leave for 28 days with escort is modified and he shall go on ordinary leave without escort. However, the petitioner's father is directed to comply with the usual conditions imposed by the jail authorities and he should also report before the Inspector of Police, Airport Police Station, Trichy daily at 6.30 PM during the period of ordinary leave. He shall duly comply with the conditions and return to the prison on expiry of the leave period.



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9. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

(A.D.J.C.,J.) (K.R.S.,J.)
29.04.2024

NCC : Yes / No
Index : Yes / No
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WEB COPY To

- 1.The Secretary to Government of Tamil Nadu,
Home Department,
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.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Inspector of Police,
Airport Police Station,
Trichy.



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A.D.JAGADISH CHANDIRA,J.
and
K.RAJASEKAR,J.

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