



W.P.(MD) No.9103 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2024

CORAM:

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

**W.P.(MD) No.9103 of 2024
and
W.M.P.(MD) No.8292 of 2024**

D.Shoba Esthar

... Petitioner

-VS-

1.The Deputy Inspector General of Prisons
DIG Office
near Central Prison
Madurai Range, Madurai-625 016

2.The Superintendent of Prison
Central Prison, Palayamkottai
Tirunelveli District-627 002

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order bearing No.2411/UTha.2/2023, dated 15.12.2023, passed by the first respondent and quash the same and consequently directing the first respondent to grant ordinary leave for 28 days without escort to the petitioner's husband i.e., V.Prince, LTC No.3898 at Central Prison, Palayamkottai.



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For Petitioner : Mr.A.Balaji

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

ORDER

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

The order dated 15.12.2023, passed by the first respondent, granting 28 days ordinary leave with escort to the petitioner's husband, namely, Prince (LTC No.3898), confined in Central Prison, Palayamkottai, is under challenge in this writ petition.

2. It is the case of the petitioner that her husband has been granted 28 days ordinary leave with escort by the first respondent. The grievance of the petitioner is that since she hails from poor background, she is unable to afford the expenses for the escort, thereby, she has filed the present writ petition.

3. Learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that based on the report given by the local Police stating that there is an apprehension of danger at the hands of



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the victim side, the first respondent has imposed a condition to go along with escort.

4. In reply, learned counsel for the petitioner would submit that the offence is of the year 2009 and that fourteen years have lapsed and that the apprehension of danger is unfounded and thereby, he would seek to set aside the impugned order only insofar as it directs to go along with escort.

5. Heard both sides and perused the materials available on record.

6. A perusal of the papers shows that the offence had been committed during the year 2009. The petitioner's husband was also on bail during trial and after conviction, six years have lapsed. Even, when he had gone on emergency leave the earlier occasion, there was no threat to him from the victim side. Therefore, we are of the opinion that the apprehension of danger either to the petitioner's husband or the opposite side is unfounded. Hence, the condition imposed by the first respondent directing the petitioner's husband to avail the ordinary leave with escort is without justification and thereby, the said condition is modified. That part of the impugned order alone



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is set aside and the petitioner's husband shall be granted ordinary leave without escort. However, the petitioner's husband is directed to comply with the usual conditions imposed by the jail authorities and he should also report before the Inspector of Police, Aralvaimozhi Police Station, Kanyakumari District, daily at 06.00 p.m., during the period of ordinary leave. He shall duly comply with the conditions imposed by the respondent and return back to the prison on expiry of the leave period.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition stand is closed.

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

[K.R.S., J.]

16.04.2024

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

Note to Office:

Mark a copy of this order to the
the Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District

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To:

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- 2.The Superintendent of Prison,
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