



W.P.(MD) No.10041 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**

W.P.(MD) No.10041 of 2024

R.Umamagheswari

... Petitioner

-vs-

The State represented by its

1.The Secretary to the Government
of Tamil Nadu
Department of Home
Fort St.George
Chennai-600 009

2.The Director Inspector
General of Prison
Trichy Range
Trichy Central Prison
Trichy-620 020

3.The Superintendent
Trichy Central Prison
Trichy-620 020

... Respondents



W.P.(MD) No.10041 of 2024

WEB

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order bearing No.106/Mu.Vu./2024, dated 02.04.2024, passed by the second respondent and quash the same and consequently direct the respondents to grant ordinary leave for thirty days without escort to the detenue, C.Radhakrishnan, son of Chinnasamy, aged about 41 years, Convict No.22993, detained at Central Prison, Trichy.

For Petitioner : Ms.K.Akshaya

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 02.04.2024, passed by the second respondent, rejecting the petitioner's representation dated 12.03.2021 seeking grant of ordinary leave to her husband, namely, C.Radhakrishnan (C.P.No.22993).

2. The case of the petitioner is that her husband is a convict and he is in incarceration pursuant to the Judgment dated 23.04.2019, passed in



W.P.(MD) No.10041 of 2024

S.C.No.165 of 2017, by the Additional District and Sessions Court / Special court for E.C., and N.D.P.S.Act Cases, Pudukkottai, and the appeal preferred by the convict against the conviction and sentence imposed on him was dismissed by this Court and the appeal preferred by him before the Honourable Supreme Court is pending disposal.

3. It is the further case of the petitioner that she requires the presence of her husband (convict) for School / College admission for their children and to mobilize funds for their educational expenses. Hence, she made a representation, dated 12.03.2024, to the respondents seeking grant of thirty days ordinary leave to her son / husband (convict). However, the same has been rejected by the impugned order of the second respondent, citing pendency of the appeal preferred by the convict before Honourable Supreme 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



W.P.(MD) No.10041 of 2024

WEB COPY

Court and as on date he has completed one year of imprisonment and he has not availed any leave so far.

5. Taking into consideration the facts that the petitioner, who is the wife of the convict, requires the presence of her husband for school / college admission of their children and to mobilize funds for their educational expenses, 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, C.Radhakrishnan, (Convict No.22993).
- (ii) He shall report back to the Superintendent of Prison, Central Prison, Trichy / third respondent, by 10.00 a.m., on completion of the leave period.
- (iii) Necessary escort shall be provided to accompany the convict prisoner.



W.P.(MD) No.10041 of 2024

WEB COPY

- (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.]

11.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk



W.P.(MD) No.10041 of 2024

WEB COPY

To:

- 1.The Secretary to the Government
of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai-600 009.
- 2.The Director Inspector
General of Prison,
Trichy Range,
Trichy Central Prison,
Trichy-620 020.
- 3.The Superintendent,
Trichy Central Prison,
Trichy-620 020.



WEB COPY



W.P.(MD) No.10041 of 2024

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

krk

W.P.(MD) No.10041 of 2024

11.07.2024