



W.P(MD)No.10809 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM:

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

W.P(MD)No.10809 of 2024

Meenal

... Petitioner

-VS-

The State represented by its,

1.The Secretary to Government of Tamilnadu,
Home Department,
Fort St. George,
Chennai-600 009.

2.The Deputy Inspector General of Prison,
Trichy Range,
Trichy-620 020.

3.The Superintendent,
Trichy Central Prison,
Trichy-620 020.

... 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 No.106/Mu.Vu/2024, dated 05.04.2024 passed by the second



W.P(MD)No.10809 of 2024

WEB COPY

respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 30 days without escort to the detenu, Sathiyaraj, S/o.Akkinipandi, aged about 36 years, life convict prisoner, bearing Convict No. 21208 confined at Central Prison, Trichy.

For Petitioner : Ms.K.Akshaya
for Mr.S.Manoharan

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

The present Writ Petition is filed challenging the impugned order passed by the second respondent, dated 05.04.2024 and consequently, to direct the respondents to grant ordinary leave for 30 days to the petitioner's son without escort.

2. The case of the petitioner is that the petitioner's son, namely Sathiyaraj, S/o.Akkinipandi, aged about 36 years, was convicted and sentenced for the offence under Sections 148, 302 (3 counts), 307 r/w 149 of IPC, 3(1) of



W.P(MD)No.10809 of 2024

WEB COPY

the TNPPDL Act and sentenced to undergo 2 years Rigorous Imprisonment and fine of Rs.500/- in default to undergo 1 month Rigorous Imprisonment under Section 148 of IPC to undergo life imprisonment for each count and fine of Rs.1000/- for each count in default to undergo 1 month rigorous imprisonment for each count under Section 203 (3 counts), to undergo 5 years rigorous imprisonment and fine of Rs.1000/- in default to undergo 1 month rigorous imprisonment under Section 307 r/w 149 of IPC to undergo 1 years rigorous imprisonment and fine of Rs.1,000/- in default to undergo 1 month rigorous imprisonment under Section 3(1) of TNPPDL Act by the learned Sessions Court at Sivagangai in S.C.No.72 of 2013, order dated 29.09.2015. Thereafter, an appeal was preferred and the sentences were confirmed by this Court in Crl.A(MD)No.290 of 2015, dated 21.03.2019.

3. The learned counsel appearing for the petitioner would submit that the petitioner is 64 years old and she is living alone without any moral and financial support. Since there is no one to take care of him, she is unable to visit hospital and take treatment. The presence of the petitioner's son is need to take the petitioner to hospital and and to carry out the repair work of her house.



W.P(MD)No.10809 of 2024

Therefore, the petitioner has sent a representation on 14.03.2024 to the respondents seeking ordinary leave for 30 days.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that SLP is pending before the Hon'ble Apex Court and the following three cases are pending against the petitioner.

Sl.No.	Station and Crime No.	Court and Case No.	Hearing Date
01	Kalaiyarkovil Police Station Cr.No.287/2012	Judicial Magistrate Court No.1, Sivagangai in C.C.No.152/2021	14.06.2024
02	Kalaiyarkovil Police Station Cr.No.261/2013	Judicial Magistrate Court No.1, Sivagangai in PRC.No.61/2016	12.06.2024
03	Kalaiyarkovil Police Station Cr.No.436/2014	Judicial Magistrate Court No.I, Sivagangai in PRC.No.98/2022	13.06.2024

Therefore, the second respondent has rejected the request of the petitioner on the ground that the petitioner's son was not eligible for 30 days ordinary leave as per the Rule 2(4) and 35 of Tamil Nadu Suspension of Sentence Rule 1982.



W.P(MD)No.10809 of 2024

WEB COPY

5. Though the petitioner is not eligible for ordinary leave, it will not denude the power of this Court to grant emergency leave.

6. Taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the respondents 2 & 3 to grant emergency leave for 6 days to the jail inmates with escort.

7. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 05.04.2024, passed by the second respondent, is set aside.

(iii) The convict prisoner, namely, Sathiyaraj, S/o.Akkinipandi, aged about 36 years, Convict No.21208 shall be granted emergency leave for a period of six (6) days.

(iv) He shall report back to the Superintendent of Prison, Central Prison, Trichy on completion of leave period.



WEB COPY

W.P(MD)No.10809 of 2024

(v) Necessary escort shall be provided to accompany the convict prisoners.

(vi) 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.

(vii) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities.

(viii) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the jail manual.

(ix) No costs.

[A.D.J.C., J.] [K.R.S., J.]
13.06.2024

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



W.P(MD)No.10809 of 2024

WEB COPY

To:

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



WEB COPY



W.P(MD)No.10809 of 2024

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

am

W.P(MD)No.10809 of 2024

13.06.2024