



W.P(MD)No.11272 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.05.2024

CORAM :

**THE HONOURABLE MS.JUSTICE R.N.MANJULA
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P(MD)No.11272 of 2024

Balammal

... Petitioner

vs.

1. The Deputy Inspector General of Prison,
O/o. the Deputy Inspector General of Prison and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road,
Madurai.

2. The Superintendent of Prison,
O/o. The Superintendent of Prison,
Central Prison,
New Jail Road,
Madurai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent Nos.1 and 2 to grant an Emergency leave without escort for the period of 3 days to the petitioner's son who is a convicted prisoner languishing at Madurai Central Prison in C.P.No.1780, by considering the petitioner's representation dated 13.05.2024.

For Petitioner : Mr.A.Naresh Prabu

For Respondents : Mr.RMS.Sethuraman, Additional Public Prosecutor



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ORDER

(Order of the Court was made by **R.N.MANJULA, J.**)

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The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents to grant emergency leave without escort for the period of 3 days to the petitioner's son, who is a convict prisoner languishing at Madurai Central Prison in C.P.No.1780, by considering the petitioner's representation dated 13.05.2024.

2. Today, when the writ petition was taken up for hearing, Mr.RMS.Sethuraman, learned Additional Public Prosecutor, who takes notice for the respondents, has produced an order dated 21.05.2024, passed by the 2nd respondent, whereby, the request of the petitioner to grant 5 days emergency leave to the prisoner, was rejected citing pendency of appeal against the judgment and sentence.

3. We are of the view that mere pendency of the criminal appeal against the judgment and sentence will not stand in the way of the convict prisoner to avail emergency leave for genuine reasons. In this case, emergency leave is sought for on the ground that the grandmother of the prisoner died and the prisoner's presence is very much required to perform his final rites to his



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grandmother during the 7th day death ceremony. Thus, we are of the view, the case of the petitioner can be re-considered sympathetically, instead of rejecting it on the technical point of pendency of appeal.

4. Therefore, we direct the petitioner to give a fresh representation to the 2nd respondent forthwith, seeking emergency leave to the prisoner to perform the final rites to his grandmother in her 7th day death ceremony. On receipt of such representation, the 2nd respondent is directed to consider the same sympathetically and pass appropriate orders in accordance with law, within a period of one week from the date of receipt of the petitioner's representation.

5. With the above direction, the Writ Petition is disposed of. No costs.

(R.N.M., J.)

(C.K., J.)

22.05.2024

Index : Yes / No
Neutral Citation : Yes / No
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