



**W.P(MD)No.11797 of 2024**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 06.06.2024**

**CORAM:**

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

**W.P(MD)No.11797 of 2024**

Renubai

... Petitioner

**-VS-**

- 1.The Secretary to Government of Tamil Nadu,  
Home Department (Prison)  
Government of Tamil Nadu,  
Secretariat,  
St. George Fort,  
Chennai-600 009.
- 2.The Additional Director General of Police (Prisons),  
The Inspector General of Police,  
Office of ADGP (Prisons)/I.G of Prisons,  
Thalamuthu Natarajar Maaligai,  
Egmore,  
Chennai-8.
- 3.The Deputy Inspector General of Prisons,  
Prisons and Correctional Services Department,  
Madurai Range,  
Madurai.



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4. The Superintendent of Prison,  
Central Prison,  
Madurai.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records in respect of impugned order passed by the third respondent in No.168/உத.2/2024 dated 08.02.2024 and quash the same and consequently direct the respondents to grant 20 days emergency leave without escort to the petitioner's sons, who are confined in Central Prison, Madurai by name Madhav Magesh, S/o.Gopal (C.P.No.6256) aged about 34 years and Bala Yogesh, S/o.Gopal (C.P.No.6259) aged about 33 years a life convicts for the purpose of attending serious illness of their mother for a period of 20 days.

For Petitioner : Mr.S.Srikanth  
for M/s.APN Law Associates  
For Respondents : Mr.A.Thiruvadi Kumar  
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 third respondent, dated 08.02.2024 and consequently, to direct the respondents to grant 20 days emergency leave for the petitioner's sons Madhav Magesh, S/o.Gopal (C.P.No.6256) aged about 34 years and Bala Yogesh, S/o.Gopal (C.P.No.6259) aged about 33 years.



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2. The learned counsel appearing for the petitioner would submit that the petitioner is aged about 61 years and she is suffering with heart ailment and her health condition is getting deteriorated day by day and thereby, in order to see them she has sought for emergency leave for her sons and the petitioner's request was rejected by the third respondent. Challenging the same, the present writ petition has been filed.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner had sought for 40 days emergency leave. The case of the petitioner's sons does not fall within the Rule 2(4) of the Tamil Nadu Suspension of Sentence Rules, 1982, since they have completed only 1 year 8 months and 28 days in prison and thereby, they are not eligible for emergency leave for 40 days. Further, the petitioner's sons are not eligible for Ordinary Leave or Emergency Leave on the following grounds (i) The convict has not completed three years of imprisonment; (ii) Appeal is pending and therefore, her request has been rejected by the third respondent.



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4. Taking into consideration the request of the petitioner, who is an aged lady suffering from serious heart ailment and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the fourth respondent to grant emergency leave for 5 days to the jail inmates with escort.

5. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 08.02.2024, passed by the third respondent, is set aside.

(iii) The convict prisoners, namely, Madhav Magesh, S/o.Gopal (C.P.No.6256) aged about 34 years and Bala Yogesh, S/o.Gopal (C.P.No.6259) aged about 33 years shall be granted ordinary leave for a period of five (5) days.

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

(v) Necessary escort shall be provided to



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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 prisoners 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.

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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***Note: Issue order copy on 07.06.2024***

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

**06.06.2024**



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To:

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

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