



W.P(MD)No.12217 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

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

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Manimegalai

... Petitioner

-VS-

1.The Director General of Prison,
Directorate of the Central Prison,
Tamil Nadu Prison,
Veannels Road, Egmore,
Chennai-600 008.

2.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai Central Prison Campus,
Madurai City-625 016.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai City-625 016.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned



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order passed by the second respondent vide his proceedings in No.RO-MDU/109/2024-G2, dated 23.05.2024 and quash the same as illegal and consequently direct the respondents 2 & 3 to grant leave to the petitioner's husband Jeyamari, Son of Murugesan a convict prisoner confined at Madurai Prison forthwith without escort by considering the petitioner's representation.

For Petitioner : Mr.J.Vijayaraja

For Respondents : Mr.S.Ravi
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 23.05.2024 and consequently, to direct the respondents 2 & 3 to grant leave to the petitioner's husband Jeyamari, S/o.Murugesan.

2. The learned counsel appearing for the petitioner would submit that the petitioner's mother-in-law is suffering with serious illness and her two female children are longing to see the face of their father. Further, the father of the convict before his death had pledged some gold ornaments in the Bank to meet the family expenses and the time is ripe now to redeem the said gold jewels



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within a time frame and as a legal heir, her husband has to come and redeem the golden jewels and thereafter, the properties standing in her father-in-law's name have to be partitioned among the family members based on legal heirship certificate. Therefore, the petitioner has made a representation to the jail authorities on 02.05.2024 and the petitioner's request was rejected by the second 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 appeal is pending before this Court and the convict has not completed three years and thereby, he is not eligible for ordinary leave, therefore, her request has been rejected by the second respondent.

4. Though it is stated that the pendency of appeal is the ground for not granting leave, it will not denude the power of this Court to grant emergency leave.

5. Taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, this Court is inclined to



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direct the third respondent to grant emergency leave for 6 days to the jail inmate with escort.

6. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 23.05.2024, passed by the third respondent, is set aside.

(iii) The convict prisoners, namely, Jeyamari, Son of Murugesan shall be granted emergency leave for a period of six (6) days.

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

(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.



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(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.]
11.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy on 14.06.2024

To:

1.The Director General of Prison,
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Tamil Nadu Prison,
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Chennai-600 008.

2.The Deputy Inspector General of Prisons,
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AND
K.RAJASEKAR, J.

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3.The Superintendent of Prison,
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