



W.P(MD)No.12732 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

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

W.P(MD)No.12732 of 2024

Shanthi

... Petitioner

-VS-

The State represented by its

1.The Secretary to Government,
Home Department,
Fort St. George,
Chennai-9.

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

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

... Respondents



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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 bearing No.106/Mu.Vu/2023, dated 29.11.2023 passed by the second respondent and quash the same and consequently direct the respondents to grant ordinary leave for 30 days without escort to the detenu, Vinoth, S/o.Veeravel, aged about 33 years, Convict No.23769, confined 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.]

The present Writ Petition is filed challenging the impugned order passed by the second respondent, dated 29.11.2023 and quash the same and consequently direct the respondents to grant ordinary leave for 30 days without escort to the detenu, Vinoth S/o.Veeravel, aged about 33 years, Convict No.23769 confined at Central Prison, Trichy.



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2. The case of the petitioner is that the petitioner's son was convicted under Sections 450, 342, 352, 396 of IPC and sentenced to undergo 10 years rigorous imprisonment for an offence under Section 450 IPC, to undergo one year rigorous imprisonment for offence under Section 342 IPC, to undergo 3 months rigorous imprisonment for the offence under Section 352 IPC and to undergo life imprisonment for the offence under Section 396 IPC in S.C.No.66 of 2020, dated 22.04.2021 by the learned Additional District and Sessions Judge, Fast Track Court at Kumbakonam. The prisoner's father has been suffering from coronary artery disease and diabetics for the past 6 years. On 14.10.2023, his father suffered chest pain and immediately he was taken to hospital. The doctor advised him to undergo Angiogram treatment immediately for the betterment of his medical condition. The prisoner is the only son and his presence is necessary to make necessary arrangements to admit his father for treatment. Therefore, the petitioner seeks ordinary leave for 30 days for her son. The said request was rejected by the second respondent on 29.11.2023. Challenging the said rejection order, the petitioner has filed the present writ petition.



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4. The learned Additional Public Prosecutor appearing for the respondents would submit the petitioner has sought for leave to his son for the heart surgery of his father, however, the Probationary Officer's report shows that the family members of the convict prisoner themselves stated that they have postponed the surgery and they have also expressed that since they are concentrating on the appeal, they do not want to leave for her son. Further, the Inspector of Police, Swamimalai Police Station has also given his objection for granting ordinary leave to the convict.

5. Taking into consideration the fact that the petitioner is not eligible for ordinary leave since he has undergone imprisonment for 2 years 4 months and 14 days, further the family members of the prisoner have postponed the surgery of his father and they have expressed that they do not want to leave for the petitioner's son, this writ petition is closed. No costs.

[A.D.J.C., J.] [K.R.S., J.]
19.06.2024

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