



W.P.(MD).No.12017 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.06.2024

CORAM

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

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.. Petitioner

Vs.

1.The Superintendent of Prison,
Special Prison For Women,
Madurai Central Prison Campus,
Madurai.

2.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent No.1 to grant emergency leave for the life convict namely, Mrs.P.Mariya Leela (Prisoner 364) to attend her son's funeral and other connected ceremonies for a period of 1 week.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

WEB COPY (Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The present Writ Petition is filed seeking direction to the first respondent to grant emergency leave for the life convict, namely, Mrs.P.Mariya Leela (Prisoner 364) to attend her son's funeral and other connected ceremonies for a period of 1 week.

2. The learned counsel appearing for the petitioner would submit that the petitioner's mother-in-law is a life convict and she is undergoing imprisonment in the Special Prison for Women at Madurai. He would further submit that the petitioner's brother-in-law, namely, Sabarinathan, who is the son of the life convict and working at Mumbai, died due to cardiac arrest and now they are taking steps to bring the body to his native place at Kallikulam, Tirunelveli District by today. Hence, the petitioner seeks for emergency leave for her mother-in-law/life convict for the purpose of attending the funeral of her son.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that as per Rule 6 of the Tamil Nadu Suspension



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of Sentence Rules, 1982, the life convict is entitled to be released on emergency leave, but since this is the first time, necessary escort may be ordered.

4. Heard the learned counsels on either side and perused the materials available on record.

5. In the present case, the son of the life convict died and as a mother, her presence is very much essential for the funeral. Further, Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982 provides for grant of emergency leave for attending death etc., of the family members of the prisoners. In view of the same, this Court is inclined to direct the first respondent to grant emergency leave to the life convict.

6. Accordingly, this Writ Petition is disposed of with the following directions:

(i) The life convict prisoner, namely, Mrs.P.Mariya Leela (Prisoner 364) shall be granted emergency leave for a period of three days from 07.06.2024 to 09.06.2024.



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(ii) The respondents are entitled to impose necessary conditions.

(iii) The life convict prisoner shall report back to the Superintendent of Prison, Special Prison for Women, Madurai / first respondent, by 10.30 a.m. on 10.06.2024, without fail.

(iv) Necessary escort shall be provided to accompany the life convict prisoner.

(v) The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the life convict prisoner during the imprisonment period.

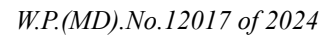
(vi) During the leave period, the life convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

(vii) No costs.

(A.D.J.C.,J.) (K.R.S.,J.)
06.06.2024

NCC : Yes / No
Index : Yes / No
Lm

Note: Issue order copy by 06.06.2024



1. The Superintendent of Prison,
Special Prison For Women,
Madurai Central Prison Campus,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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