



W.P(MD)No.12661 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.12661 of 2024
and
W.M.P(MD)No.11265 of 2024**

Divya

... Petitioner

-VS-

The State represented by its

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.

2.The Deputy Inspector General of Prison,
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 record pertaining to the Impugned order No.RO-TRY/123/2024-Asst-G1, dated 23.04.2024 passed by the second respondent and quash the same and consequently to direct the respondents to grant ordinary leave for 30 days without escort to the detenu, Raja, S/o.Sekar, aged about 38 years, Convict No.23828, detained 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 23.04.2024 and quash the same and consequently to direct the respondents to grant ordinary leave for 30 days without escort to the detenu, Raja, S/o.Sekar, aged about 38 years, Convict No.23828, detained at Central Prison, Trichy.

2.The case of the petitioner is that her husband was convicted under



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Section 302 r/w 34 of IPC and was sentenced to undergo life imprisonment and to pay a fine of Rs.2,000/- by the learned II Additional District and Sessions Judge at Tiruchirappalli in S.C.No.116 of 2017, dated 17.08.2021. Aggrieved against the said conviction, an appeal has been filed before this Court in CrI.A(MD)No. 419 of 2019 and the same was confirmed. Now, the petitioner's mother-in-law is suffering from vision problem and she underwent a surgery for her eye problem. She is struggling hard to arrange money for their everyday expenses and medical treatment for her mother-in-law. Therefore, the detenu's presence is necessary in this hard situation to mobilise the funds for their children's education expenses and to take care of the detenu's mother's health. Therefore, the petitioner has sent a representation on 25.03.2024 seeking ordinary leave for 30 days. The second respondent passed an impugned order, dated 23.04.2024 rejecting the representation of the petitioner on the ground that the convict prisoner has not completed three years of imprisonment. Challenging the said rejection order, the petitioner has filed the present writ petition seeking 30 days ordinary leave for her husband.

3. The learned Additional Public Prosecutor appearing for the



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respondent would submit that the representation of the petitioner has been rejected on the ground that the convict prisoner has not completed three years period of imprisonment. He further submitted that the reasons mentioned by the prisoner seeking emergency leave has been verified through the Probationary Officer and it has found that the reason is true.

4. Though the petitioner's husband is not eligible for ordinary 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 direct the second respondent to grant emergency leave for 6 days to the jail inmates without escort.

6. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 23.04.2024 passed by the second respondent, is set aside.



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(iii) *The convict prisoner namely Raja, S/o.Sekar, aged about 38 years, Convict No.23828, detained at Central Prison, Trichy shall be granted emergency leave for a period of six (6) days.*

(iv) *He shall sign before the Inspector of Police, Thillainagar Police Station, Trichy District, daily at evening 06.30 p.m., during the leave period.*

(v) *He shall report back to the Superintendent of Prison, Central Prison, Trichy on completion of leave period.*

(vi) *The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities.*

(vii) *During the leave period, the convict prisoner shall abide by all the conditions prescribed in the jail manual.*

(viii) *No costs. Consequently, connected miscellaneous petition is closed.*

NCC : Yes / No
Index : Yes / No

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



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am

To:

- 1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.
- 2.The Deputy Inspector General of Prison,
Trichy Range,
Trichy-620 020.
- 3.The Superintendent,
Central Prison,
Trichy-620 020.

Copy To

The Inspector of Police,
Thillainagar Police Station,
Trichy District.



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

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