



W.P(MD)No.13002 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM:

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

W.P(MD)No.13002 of 2024

Muthulakshmi

... 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



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent vide his proceedings in No.2619/Tha.Koo. 2/2024, dated 05.04.2024 and quash the same as illegal and consequently direct the third respondent to grant parole to the convict prisoner in C.P.No.5823 namely Kalidoss, Son of Senthurpandi, aged about 36 years confined at the Central Prison, Madurai forthwith without escort.

For Petitioner : Mr.J.Vijayaraja
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 05.04.2024 and quash the same as illegal and consequently direct the third respondent to grant parole to the convict prisoner in C.P.No.5823 namely, Kalidoss, Son of Senthurpandi, aged about 36 years confined at Central Prison, Madurai forthwith without escort.



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2.The case of the petitioner is that her husband being an accused was convicted to undergo sentence of life imprisonment. He was granted ordinary leave. Whiles, on an earlier occasion while he was returning back to jail the vehicle of the petitioner was hit by adjacent vehicle and there was a quarrel due to which the petitioner was able to reach the jail with a delay of four hours and now her mother-in-law namely Veeramahali is suffering from Anaemia C CCF C DM and was bed ridden and she is very much eager to meet her son. The petitioner has sent a representation dated 20.02.2023 to the respondents 1 and 2 seeking ordinary leave to her husband. However taking note of the earlier delay in returning back to prison the third respondent by proceedings dated 05.04.2024 has rejected her representation. Challenging the said rejection order, the petitioner has filed the present writ petition.

3. The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the convict has completed 8 years and above. Though he is eligible for ordinary leave, earlier during his leave,,



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after completion of his leave period, he did not come back to jail within the prescribed time and thereby, the request of the petitioner has been rejected.

4. Per contra, the learned counsel appearing for the writ petitioner would submit that the convict had surrendered on the same day but with delay of 4 hours.

5. The petitioner had applied for ordinary leave for her husband to see his mother who is ill. The third respondent citing reason that he returned back to jail after delay of four hours had rejected the same. It is not a case of abscondance.

6. Taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the third respondent to grant ordinary leave for 10 days to the convict prisoner without escort.



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7. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 05.04.2024 passed by the third respondent, is set aside.

(iii) The convict prisoner namely Kalidoss, S/o.Senthurpandi, CP.No.5823, Central Prison, Madurai shall be granted ordinary leave for a period of Ten (10) days.

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

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

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



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

(viii) No costs.

[A.D.J.C., J.] [K.R.S., J.]
03.07.2024

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

- 1.The Director General of Prison,
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3.The Superintendent of Prison,
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Copy To

The Inspector of Police,
Kovilankulam Police Station,
Ramanathapuram District.



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