



W.P(MD)No.13166 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM:

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

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Muthupandi

... Petitioner

-VS-

1.The Superintendent,
Madurai Central Prison,
Madurai District.

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

... Respondents

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 passed by the respondent No.1 vide office proceedings in No.I/23264/2024, dated 31.05.2024 and quash the same as illegal and consequently direct the Respondent No.1 to grant emergency leave or ordinary leave for a period of fifteen days to his son namely Siva @ Sivaramalingam @



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Periyavan (convicted Prisoner No.2051) by considering the petitioner's representation, dated 25.05.2024.

For Petitioner : Mr.R.Karunanidhi

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 first respondent, dated 31.05.2024 and quash the same and consequently, to direct the respondent No.1 to grant emergency leave or ordinary leave for a period of fifteen days to the petitioner's son namely Siva @ Sivaramalingam @ Periyavan (convicted Prisoner No.2051).

2. The case of the petitioner is that the petitioner's son married one Amatchiyar and they blessed with a male child on 23.07.2022. His son has been in the continuous incarceration from 08.09.2023. He further stated that his son could not see the child after the imprisonment. The petitioner's wife has been



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WEB COPY taking continuous treatment at Neurology Department, Government Hospital, Thoothukudi. The petitioner's wife could not move from home to prison to see his son and his wife has been under medication and she did not see his son for the past 8 months. His wife is quiet often asked about his son and she wish to see him and she could not walk for more than 200 feet in view of the brain nerve problem. Therefore, the petitioner seeks emergency leaver for 15 days for his son. The said request was rejected by the first respondent on 31.05.2024. Challenging the said rejection order, the petitioner has filed the present writ petition.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner had asked for 15 days emergency leave for his son, whereas as per rules it cannot be granted at a stretch and it can only be granted on the spells of 3 days + 3 days + 3 days + 6 days = 15 days , thereby his request has been rejected.

4. 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 first respondent to grant emergency leave for 6 days to the jail inmate with escort.

5. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 31.05.2024, passed by the first respondent, is set aside.

(iii) The convict prisoner, namely, Siva @ Sivaramalingam @ Periyavan (Convicted Prisoner No. 2051) now confined under Central Prison, Madurai 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 prisoner.

(vi) The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted



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from the income earned by the convict prisoner during the imprisonment period.

(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.]
27.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy on 28.06.2024

To:

1.The Superintendent,
Madurai Central Prison,
Madurai District.

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



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