



W.P(MD)No.13516 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

CORAM:

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

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Muniyappan
S/o.Arumugam,
Convict No.21587,
Central Prison,
Tiruchirappalli District-620 020.

... Petitioner

-VS-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise (Prison-IV) Department,
Fort St. George,
Chennai-600 009.
- 2.The Director General of Prisons,
O/o.Tamil Nadu Prisons Headquarters
Whannels Road,
Egmore, Chennai-600 008.



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3.The Deputy Inspector General of Prisons,
Trichy Range,
Race Course Road,
Trichy-620 023.

4.The Superintendent of Prisons,
Central Prison,
Trichy-620 020.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the Impugned Order passed by the third respondent vide her proceedings in No.106/MuVu/2024 dated 18.03.2024 and quash the same as illegal and void, consequently direct the third respondent to grant 28 days ordinary leave without police escort to the petitioner Muniyappan, son of Arumugam, Convict No.21587 confined at Central Prison, Tiruchirappalli, forthwith by considering his representation dated 23.01.2024.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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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 18.03.2024 and quash the same as illegal and consequently direct the third respondent to grant 28 days ordinary leave without escort to the petitioner namely, Muniyappan, S/o.Arumugam, Convict No.21587, Central Prison, Tiruchirappalli District.

2.The case of the petitioner is that he is under incarceration for more than 8 years as life convict at Central Prison, Tiruchirappalli. During this period, he was granted with emergency leave on several occasions without police escort. When he was on leave, no untoward incidents had taken place so far. While so, he constructed a house for his family at his hometown i.e., Karur, in the year 2023 and some of the works were not completed and some vital works like electrical and plumbing works have not been completed. Hence, the petitioner has made a representation to the third respondent seeking 28 days ordinary leave for the



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above reasons. On application, the reports of the Probation Officer and jurisdictional Police called for. On receipt of the reports, the fourth respondent forwarded the same to the third respondent in Lr.No.1675/ThaKu.4/2024, dated 05.03.2024. Subsequently, the third respondent vide her proceedings in No. 106/MuVu/2024, dated 18.03.2024 rejected his representation on the sole ground that the jurisdictional police did not recommend to grant ordinary leave to the petitioner. Challenging the said rejection order, the petitioner has filed the present writ petition seeking 28 days Ordinary leave for him.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that the representation of the petitioner has been rejected on the ground that the jurisdictional police did not recommend for grant of ordinary leave. He further submitted that the prisoner has completed 6 years 4 months and 10 days and he is eligible for ordinary leave.

4. It is admitted that the petitioner had been granted emergency leave on several occasions without police escort and during such time, no untoward incident had been reported. He had also return back to the jail. In this case,



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though the Probationary Officer has recommended for grant of leave, the jurisdictional police has not recommended to grant of ordinary leave to the prisoner. We do not find any justification in the jurisdiction police refusing to recommend the case of the petitioner.

5. 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 20 days to the petitioner without escort.

6. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 18.03.2024 passed by the third respondent, is set aside.

(iii) The convict prisoner namely Muniyappan, S/o.Arumugam, Convict No.21587, Central Prison, Tiruchirappalli District shall be granted ordinary leave for a period of Twenty (20) days.



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(iv) He shall sign before the Inspector of Police, Maayanur Police Station, Karur 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.

[A.D.J.C., J.]

[K.R.S., J.]



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NCC: Yes / No

25.06.2024

Index : Yes / No

Internet : Yes / No

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To:

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Home, Prohibition and Excise (Prison-IV) Department,
Fort St. George,
Chennai-600 009.

2.The Director General of Prisons,
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The Inspector of Police,
Maayanur Police Station,

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

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