



W.P.(MD) No.14455 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2024

CORAM:

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

W.P.(MD) No.14455 of 2024

Nagaraj

... Petitioner

-vs-

1.The Deputy Inspector General of Prison
O/o.The Deputy Inspector General of Prison
and Correctional Services
Madurai Range
Madurai Central Prison Campus
New Jail Road, Madurai

2.The Superintendent of Prison
Madurai Central Jail
New Jail Road
Madurai 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 of the impugned order passed by the first respondent in RO-MDU/47/2024-G2, dated 01.06.2024 and quash the same as bad in law and consequently directing the respondents herein to grant an ordinary leave to the petitioner's son for a period of 30 days without escort by considering his representation dated 12.04.2024.



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For Petitioner : Mr.SMA.Jinnah
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Prayer in this writ petition is to quash the order dated 01.06.2024, passed by the first respondent, rejecting the petitioner's representation dated 12.04.2024 seeking grant of 30 days ordinary leave, without escort, for his son, namely, Srinivasan (C.P.No.6011) and to grant him 30 days ordinary leave without escort.

2. The case of the petitioner is that his younger son is a convict and he is in incarceration pursuant to the Judgment dated 12.08.2020, passed in S.C.No.18 of 2016, by the learned Additional District and Sessions Judge, Fast Track Court, Theni. The appeal preferred by the convict against the conviction and sentence imposed on him before this Court has been dismissed. He is in incarceration for the past four years. Earlier, the convict was granted two days emergency leave with effect from 23.12.2023 to 24.12.2023 to visit his ailing mother and he duly surrendered before the second respondent on 24.12.2023 and during such time, no untoward incident had taken place.



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3. It is the further case of the petitioner that he is a senior citizen, he is having one daughter and two sons, his elder son is a physically challenged person, he is suffering from lungs disorder, chest pain and other health ailments. Earlier, he and his physically challenged son were taken care of by his daughter. However, she has met with an accident and she got injured, thereby, the petitioner wants assistance of his younger son (convict prisoner) for taking medical treatment. Hence, he made a representation, dated 12.04.2024, to the respondents seeking grant of 30 days ordinary leave to his son (convict prisoner). However, the same has been rejected by the impugned order of the first respondent, on the ground that that the Inspector of Police, Allinagaram Police Station, has not recommended the case of the petitioner as the presence of the convict prisoner is not required for the petitioner. Therefore, the present writ petition.

4. Learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that no appeal is pending as on date as against the conviction and sentence imposed on the convict and the period of incarceration as on 30.06.2024 is 03 years 10 months and 18 days.



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5. Taking into consideration the facts and circumstances of the case that the petitioner is a senior citizen, he is suffering from several health ailments, his elder son is a physically challenged person, his daughter has met with an accident and got injured, we are inclined to direct the respondents to grant fifteen days ordinary leave to the petitioner's son.

6. Accordingly, the writ petition is disposed of with the following directions:

- (i) The respondents are directed to grant fifteen days ordinary leave to the petitioner's son, namely, Srinivasan, (C.P.No.6011) from 08.07.2024 to 22.07.2024, without escort.
- (ii) During the said leave period, he shall report before the Inspector of Police, Allinagaram Police Station, Theni, daily at 06.30 p.m., without fail.
- (iii) He shall report back to the Superintendent of Prison, Central Prison, Madurai / second respondent, by 10.00 a.m., on 23.07.2024, without fail.



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- (iv) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities.
- (v) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.
- (vi) The convict shall utilize the leave only for the reason for which it has been granted and shall not partake in any other activities
- (vii) No costs.

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

[K.R.S., J.]

02.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note to Office:

Mark a copy of this order to the Inspector of Police, Allinagaram Police Station, Theni.

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To:

1.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road, Madurai.

2.The Superintendent of Prison,
Madurai Central Jail,
New Jail Road,
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AND
K.RAJASEKAR, J.

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