



WMP(MD). No.12503 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Monday, the Twenty Eighth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

AND

The Hon`ble Mr.Justice K. RAJASEKAR

WMP(MD). No.12503 of 2024

in

W.P.No.8942 of 2024

Paranjothi

... Petitioner/ 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.
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.

... Respondents/ Respondents



WMP(MD). No.12503 of 2024

Prayer in WMP(MD). No.12503 of 2024:-

The Writ Miscellaneous Petition Under Article 226 of the Constitution of India to modify the order passed in WP(MD).No.8942 of 2024 dated 29.04.2024 and grant 21 days ordinary leave without escort to the prison inmate namely Velmurugan, S/o.Chinnaiyan (Convict Prisoner No.23454) confined at Central Prison, Tiruchirappalli, by considering petitioners representation dated 09.02.2024 forthwith.

Prayer in W.P.No.8942 of 2024:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 3rd respondent vide her proceedings in No.106/MuVu/2024 dated 19.03.2024 and quash the same as illegal and void and then consequently directing the respondents to grant 28 days ordinary leave without police escort to petitioners cousin Velmurugan, S/o.Chinnaiyan (Convict Prisoner No. 23454) lodged at Central Prison, Tiruchirappalli, forthwith by considering his representation dated 09.02.2024.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.Karthikeyan, Advocate for the Petitioner and of Mr.Thiruvadikumar, Additional Public Prosecutor for the respondents, this Court made the following order:



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(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

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" This petition has been filed seeking to modify the condition imposed in the order dated 29.04.2024 in W.P.(MD)No.8942 of 2024 granting emergency leave to the convict viz., Velmurugan, S/o Chinnaiyan, (Convict Prisoner No.23454) confined at Central Prison, Trichirapalli by considering his representation dated 09.02.2024 forthwith, that it shall be "with escort" as one of "without escort".

2. When the matter was taken up, Mr.A.Thiruvadikumar, learned Additional Public Prosecutor appearing for the respondents, would submit that since the petitioner had sought for leave for the first time, it would be appropriate to grant leave only with escort and thereby, this Court had directed for providing escort.

3. Though a modification is sought for removal of the condition with regard to escorting, learned counsel for the petitioner would submit that the petitioner is aggrieved against the insistence of escort charges in advance by the authorities, which the petitioner is unable to comply with and avail the leave as ordered by this court. He would also submit that this Court had been specific in the said condition to the effect that the escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict during the imprisonment period, however, the escort charges are demanded in advance and thereby, seeks for a modification of the said condition.



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4. In this regard, the learned Additional Public Prosecutor submitted that if the petitioner is unable to bear the escort charges, it will not be insisted in advance and it will be adjusted only from the income earned by the convicted prisoner during the imprisonment period.

5. In view of the above submission, we are not making any modification of the order which we have passed, except making it clear that the escort charges shall be adjusted from the income earned by the said prisoner during the imprisonment period and it shall not be insisted at once. Accordingly, the present petition is closed."

Sd/-

Assistant Registrar (CO)

// True Copy //

/11/2024

Sub Assistant Registrar
(CS - I, II, III, IV)

raa/AAV
TO

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.

<https://www.mdo.tn.gov.in/judis>



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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.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 28/10/2024

ORDER

WMP(MD). No.12503 of 2024
in
W.P.No.8942 of 2024

Giving direction and etc.
as stated within.

SL(08.11.2024)/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.