



W.P(MD)No.14215 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2024

CORAM:

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

**W.P(MD)No.14215 of 2024
and
W.M.P(MD)No.12468 of 2024**

Chandralekha

... Petitioner

-VS-

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

2.The Superintendent of Prisons,
Central Prison,
Gandhipuram,
Coimbatore District-641 018.

... Respondents

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 first respondent vide proceedings in Moo.Mu.No. 9906/ThaKu.4/2024, dated 25.06.2024 and quash the same as illegal and void, consequently grant 6 days Emergency Leave without police escort to the petitioner's brother Vivekanandan, S/o.Arumugam (Convict Prisoner No.24016 -



W.P(MD)No.14215 of 2024

WEB CEN ENR693) now temporarily lodged at Central Prison, Tiruchirappalli in accordance with Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982, by considering petitioner's representation dated 18.06.2024 forthwith.

For Petitioner : Mr.C.Karthikeyan
For Respondents : Mr.R.Meenakshi Sundaram
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 25.06.2024 and quash the same and consequently, direct the first respondent to grant 6 days Emergency Leave without escort to the petitioner's brother Vivekanandan, S/o.Arumugam (Convict Prisoner No..24016-ENR693) now temporarily lodged at Central Prison, Tiruchirappalli.

2. The case of the petitioner is that her brother was convicted for the offence under Sections 302 & 294(b) IPC and sentenced to undergo life imprisonment. The petitioner's family arranged marriage for the petitioner and the same is scheduled on 07.07.2024. They issued invitation to their kith and kin.



W.P(MD)No.14215 of 2024

WEB COPY

However, they could not arrange sufficient money for her marriage, ornaments and also home appliances as promised. Since her own brother was confined at Prison for a charge of murder, nobody is willing to marry her. Her marriage kept postponed till the age of 30 years. Nonetheless, her fiance accepted the marriage proposal though her brother is a life convict. But, she fear that non-arrangement of Sreedhan would lead to some untoward incidents on the auspicious wedding day. Therefore, the petitioner has made a representation on 18.06.2024 to the respondents seeking emergency leave of 6 days. The said request was rejected by the first respondent on 25.06.2024. 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 request of the petitioner was rejected by the first respondent on the ground that the appeal is pending before this Court.

4. Though it is stated that the pendency of appeal is the ground for not granting leave, it will not denude the power of this Court to grant emergency leave.



W.P(MD)No.14215 of 2024

WEB COPY

5. Taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the first respondent to grant Emergency Leave for 6 days to the jail inmates with escort.

6. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 25.06.2024, passed by the first respondent, is set aside.

(ii) The convict prisoner, namely, Vivekanandan, S/o.Arumugam (Convict Prisoner No. 24016-ENR693), shall be granted emergency leave for six (6) days from 04.07.2024 to 09.07.2024 with civil dress escort.

(iii) He shall report back to the Superintendent of Prison, Central Prison, Trichy/first respondent by 10.00 a.m., on 10.07.2024.



WEB COPY



W.P(MD)No.14215 of 2024

(iv) Necessary escort shall be provided to accompany the convict prisoner.

(v) The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment 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. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] [K.R.S., J.]
01.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
am



W.P(MD)No.14215 of 2024

WEB COPY

To:

- 1.The Superintendent of Prisons,
Central Prison,
Trichy District-620 020.
- 2.The Superintendent of Prisons,
Central Prison,
Gandhipuram,
Coimbatore District-641 018.



WEB COPY



W.P(MD)No.14215 of 2024

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

am

W.P(MD)No.14215 of 2024

01.07.2024