



W.P(MD)No.14463 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM:

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

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T.Priya

... Petitioner

-VS-

- 1.State of Tamilnadu,
Rep. by the Secretary to Government,
Home (Prison IV) Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Director General of Police and
Inspector General of Prisons and Correctional Services,
Whannels Road,
Egmore,
Chennai-600 008.
- 3.The Deputy Inspector General of Prisons
and Correctional Services,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai-625 016.



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4.The Superintendent of Prison,
Madurai Central Prison,
Madurai-16.

... 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 dated 21.06.2024 in No.1/33544/2024 on the file of the fourth respondent and quash the same as illegal and consequently direct the respondents to grant Emergent leave of 15 days for the petitioner's husband namely Thirumurugan @ Kattuvasi Thirumurugan (CP 5859) confining at Madurai Central Prison as lift convict.

For Petitioner : Mr.R.Venkatesan
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 21.06.2024, passed by the fourth respondent, rejecting the petitioner's representation dated 17.06.2024 seeking grant of emergency leave for her husband Thirumurugan @ Kattuvasi Thirumurugan (CP 5859).



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2. The case of the petitioner is that her husband Thirumurugan @ Kattuvasi Thirumurugan is a convict and he is in incarceration pursuant to the judgment dated 29.03.2019, passed in CrI.A(MD)No.274 of 2011, by this Court. The appeal preferred by the convict against the conviction and sentence imposed on his is pending before the Hon'ble Supreme Court in C.A.No.1562 of 2019.

3. It is the further case of the petitioner that she is having 2 school going daughters and elder daughter T.Thiya Sri studying 4th standard and younger daughter T.Deeksha Bharathi studying UKG at Saraswathi Gopalakrishnan Nadar Nursery and Primary School, Madurai and she should pay their fees within a week. In the absence of her husband, she could not arrange her daughters school fees and also her mother-in-law Angalammal, aged 65 years is also suffering from various ailments and hence, the presence of the convict is very much necessary. Therefore, the petitioner has made a representation on 17.06.2024 seeking emergency leave of 15 days. The said request was rejected by the fourth respondent on 21.06.2024. Challenging the said rejection order, the petitioner has filed the present writ petition.



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4. The learned Additional Public Prosecutor appearing for the respondents would submit that the request of the petitioner was rejected by the fourth respondent on the ground that the appeal is pending before the Hon'ble Supreme Court.

5. 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 or ordinary leave.

6. Taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the fourth respondent to grant Ordinary leave for 10 days to the convict prisoner with escort.

7. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 21.06.2024,



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passed by the fourth respondent, is set aside.

(iii) The convict prisoner, namely, Thirumurugan @ Kattuvasi Thirumurugan (C.P.No.5859) now confined under Central Prison, Madurai shall be granted ordinary leave for a period of ten (10) days.

(iv) He shall report back to the Superintendent of Prison, Central Prison, Madurai on completion of leave period.

(v) Single 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 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.



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(viii) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the jail manual.

(ix) No costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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[A.D.J.C., J.] [K.R.S., J.]
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To:

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- 2.The Director General of Police and
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