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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM:

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

W.P.(MD) No.15472 of 2024
and
W.M.P.(MD) No.13530 of 2024

Jeevalakshmi

... Petitioner

-vs-

1. The Secretary to Government
Home Department(Prison)
Government of Tamil Nadu
Secretariat, St.George Fort,
Chennai- 9
2. The Additional Director General of Police(Prisons)
The Inspector General of Police
Office of the ADGP(Prisons)/I.G. of Prisons,
Thalamuthu Natarajar Maaligai
Egmore, Chennai-8
3. The Superintendent of Prison
Central Prison
Madurai

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records in respect of impugned order passed by the third respondent in No.E.37348/jF.2/2024 dated 18.06.2024 and quash the same and consequently direct the respondents to grant 10 days emergency leave without escort to the petitioner's brother namely Ravindran, S/o.Subburaj a life convict prisoner now confined at Central Prison, Madurai for the purpose of attending illness of petitioner's mother.

For Petitioner : Mr.S.Srikanth

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 18.06.2024 passed by the third respondent, rejecting the petitioner's representation dated 02.07.2024 seeking grant of emergency for his brother namely, Ravindran, S/o.Subburaj.



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2. The case of the petitioner is that the petitioner's brother Ravindran son of Subburaj is now confined at Central Prison, Madurai as a life convict. His mother is aged about 74 years and suffering from disc dehydration problem and a diabetes patient and she requires assistance of any one. Therefore, the petitioner has sent a representation dated 02.07.2024 to the respondent seeking emergency leave for a period of 10 days. The respondent has rejected the said request and passed a rejection order dated 18.06.2024. Challenging the said rejection order, the petitioner has filed the present writ petition.

3. Learned Additional Public Prosecutor appearing for the respondents would submit that the request of the petitioner has been rejected on three grounds viz., **(i)** no proof for the illness of prisoner's mother had been enclosed with the application for emergency leave; **(ii)** as per the provisions of the Tamil Nadu Suspension of Sentence Rules, 1982, the prisoner is eligible for leave only for a period of 15 days a year in four spells viz., 3+3+3+6 and leave for 10 days at a stretch cannot be granted; and **(iii)** since Appeal challenging his conviction and sentence is pending, the request for leave cannot be considered. However he fairly concedes that his mother is ailing.



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4. Taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the respondent to grant emergency leave for 6 days to the petitioner's brother/detenu with escort.

5. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 18.06.2024, passed by the third respondent, is set aside.

(iii) The convict prisoner, Ravindran, son of Subburaj, who is confined as a life convict (Life Convict No.6270) in the Central Prison, Madurai is granted emergency leave for 6 days with escort from 1.8.2024 to 6.8.2024.

(iv) He shall report back to the Superintendent of Prison, Central Prison, Madurai on completion of leave period viz., on 7.8.2024 at 10.00 am.



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(v) Necessary 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.

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

(ix) No costs. Consequently connected miscellaneous petition is closed.

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

26.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note: Issue order copy on 31.07.2024.

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4. The Inspector of Police,
Teppakulam Police Station, Madurai District



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