



W.P(MD)No.15556 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2024

CORAM:

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

W.P(MD)No.15556 of 2024

Selvalakshmi

... Petitioner

-VS-

- 1.The Principal Secretary,
Home (Prison) Department,
Secretariat, Chennai-600 009.
- 2.The Director General of Prison,
Egmore, Chennai-600 008.
- 3.The Deputy Inspector General of Prison,
Madurai.
- 4.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to quash the impugned order No.228/உ.த. 2/2024 dated 29.06.2024 passed by the third respondent, consequently to direct



W.P(MD)No.15556 of 2024

the respondents to grant 28 days of ordinary leave without escort to the petitioner's husband namely Chinnadurai (CP.No.LCT3980) as per the rule 20(i), 22(2)(c) of Tamil Nadu Suspension of Sentence Amendment Rules, 2022, who is confined at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Vinoth Bharathi

For Respondents : Mr.A.Thiruvadi Kumar
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 third respondent, dated 29.06.2024 and quash the same and consequently, direct the respondents to grant 28 days of ordinary leave to the petitioner's husband Chinnadurai (C.P.No.LCT3980) confined at Central Prison, Palayamkottai.

2. The case of the petitioner is that her husband was convicted for the offence under Section 302 IPC and sentenced to undergo life imprisonment. Her husband has been inside the prison for more than 6 years as convict prisoner. The petitioner's father-in-law already passed away and now her mother-in-law health



W.P(MD)No.15556 of 2024

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also not good. In order to care of her mother-in-law, the presence of the convict is very much necessary. Therefore, the petitioner has made a representation on 31.05.2024 seeking ordinary leave of 30 days. The said request was rejected by the third respondent on 29.06.2024. 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 prisoner has been convicted on 14.09.2017 and after the conviction, he is in prison for more than 7 years. He would further submit that the petitioner though has gone on emergency leave for three times, Probationary Officer has given a report that the petitioner is facing threat from the younger brother of the deceased one Santhoshkumar. Further, the petitioner is also taking steps to file an appeal before the Hon'ble Supreme Court of India.

4. In reply, the learned counsel for the petitioner would submit that the petitioner has gone on emergency leave for three times with escort and however, no untoward incident had happened at that time and as on today no appeal is pending before the Hon'ble Supreme Court of India. He further



W.P(MD)No.15556 of 2024

submitted that his family is also below the poverty line and he is eligible for escort without payment of cost.

5. 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 14 days to the prisoner with escort.

6. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 29.06.2024, passed by the third respondent, is set aside.

(iii) The convict prisoner, Chinnadurai (C.P.No.LCT3980) now confined under Central Prison, Palayamkottai shall be granted ordinary leave for a period of fourteen (14) days.

(iv) He shall report back to the Superintendent of Prison, Central Prison, Palayamkottai



WEB COPY

W.P(MD)No.15556 of 2024

on completion of leave period.

(v) Single escort shall be provided to accompany the convict prisoner without the payment of escort charges 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.

(ix) No costs.

[A.D.J.C., J.] [K.R.S., J.]
12.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P(MD)No.15556 of 2024

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