



W.P(MD)No.15442 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**

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R.Punitha Nathan

... Petitioner

-VS-

The State represented by its

1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.

2.The Deputy Inspector General of Prison,
Trichy Range,
Trichy-620 020.

3.The Superintendent,
Central Prison,
Trichy-620 020.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents to grant emergency leave for 6 days



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without escort to the detenu to the petitioner's sister's son, Solai Ganesan, S/o.Solai Convict No.24219, undergoing imprisonment now at Central Prison, Trichy.

For Petitioner : Mr.S.Manoharan

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 for a writ of mandamus directing the respondents to grant 6 days leave to the petitioner's sister's son, Solai Ganesan, S/o.Solai Convict No.24219 now confined at Central Prison, Trichy.

2. The case of the petitioner is that the petitioner's sister's son was convicted and now he is undergoing sentence in Central Prison, Trichy. The convict's mother passed away on 29.06.2024. The detenu came out on leave for one day for his mother's death and he performed the funeral for his mother and went back to the prison. They could not do any post-death rituals due to the



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absence of the detenu. Therefore, the presence of the detenu is necessary to perform the post-death rituals properly as a dutiful son and arrange the funds for the ceremony. Hence the petitioner has given a representation to the respondents on 05.07.2024. Since the respondents have not taken any action on the representation of the petitioner, the present writ petition has been filed.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that appeal is pending before this Court and he is not eligible for emergency leave.

4. Taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the third respondent to grant emergency leave to the convict prisoner for three days with required escort.



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5. In the result,

(i) The writ petition is disposed of.

(ii) The convict prisoner, namely, Solai Ganesan, S/o.Solai Convict No.24219, undergoing imprisonment now at Central Prison, Trichy, shall be granted emergency leave for three days (3) from 13.07.2024 to 15.07.2024 with escort.

(iii) He shall report back to the Superintendent of Prison, Central Prison, Trichy/third respondent by 10.00 a.m., on 16.07.2024.

(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 prisoners during the imprisonment period.

(vi) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities.



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

(viii) No costs.

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

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

Note: Issue Order Copy on 12.07.2024

To:

- 1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.
- 2.The Deputy Inspector General of Prison,
Trichy Range,
Trichy-620 020.
- 3.The Superintendent,
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AND
K.RAJASEKAR, J.

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