



W.P(MD)No.15540 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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Rani

... Petitioner

-VS-

1.The Superintendent,
Palayamkottai Central Prison,
Tirunelveli District.

2.State through the Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(Crime No.397/2022)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the first respondent to grant 3 days leave for the petitioner's husband/convict in CT No.5446 currently undergoing sentence in Central Prison, Palayamkottai, Tirunelveli District under a judgment passed in C.C.No.1242 of 2022 by the learned I Additional Special Court for NDPS Act Cases, Madurai and by considering her representation within a specific date.



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For Petitioner : Mr.KA.Raamakrishnan

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 release the petitioner's husband Charles, convict in CT No. 5446 now confined at Central Prison, Palayamkottai, Tiruenlveli District for 3 days.

2. The learned counsel appearing for the petitioner would submit that the petitioner's husband was convicted with 10 years of rigorous imprisonment and now he is undergoing sentence in Central Prison, Palayamkottai. The petitioner's daughter namely C.Catherine's first 'Holy Communion' is to be fixed on 17.07.2024 at "Sahaya Madha Church" at Thoothukudi. Therefore, the presence of the convict is necessary and hence, she has given a representation to



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the first respondent on 01.07.2024. 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 after the filing of the writ petition, the request of the petitioner has been rejected stating that prisoner is not entitled for emergency leave for Holy Communion function and further the petitioner has also been convicted under the NDPS Act and the reason for seeking emergency leave is not within the list of leave. He further submitted that there is no appeal is pending.

4. 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 to the convict prisoner for two days with required escort.



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5. In the result,

(i) The writ petition is disposed of.

(ii) The convict prisoner, namely, Charles, convict in CT No.5446 now confined at Central Prison, Palayamkottai, Tiruenlveli District, shall be granted emergency leave for two days (2) on 16.07.2024 and 17.07.2024 with escort.

(iii) He shall report back to the Superintendent of Prison, Central Prison, Palayamkottai/first respondent by 10.00 a.m., on 18.07.2024.

(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 Superintendent,
Palayamkottai Central Prison,
Tirunelveli District.
- 2.State through the Inspector of Police,
Thoothukudi South Police Station,
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