



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Twenty Eighth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
AND
The Hon`ble Mr.Justice K. RAJASEKAR

WMP(MD). No.13974 of 2024
in
WP(MD)No.12895 of 2024

Easwaran

... Petitioner/Petitioner

Vs

- 1 The Principal Secretary to Government,
Home Prohibition and Excise,
(Pension - Iv) Department,
Fort. St. George
Chennai - 600 009.
- 2 The Director General of Prisons,
O/o.Tamil Nadu Prisons Headquarters,
Whannels Road, Egmore, Chennai - 600 008.
- 3 The Deputy Inspector General of Prisons,
Trichy Range, Race Course Road,
Trichy - 620 023.
- 4 The Superintendent of Prisons,
Central Prison, Trichy - 620 020.

... Respondents/Respondents

Prayer :-

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India
to modify the order passed in W.P.(MD).No. 12895 of 2024 dated 21.06.2024 and

<https://www.mhc.tn.gov.in/judis>



grant 6 days emergency leave without escort to petitioner's son namely Sivakumar son of Easwaran, Convict No. 23279, confined at Central Prison, Tiruchirappalli, by considering petitioners representation dated 27.03.2024.

Prayer in WP(MD)No.12895 of 2024:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent vide her proceedings in No.106/MuVu/2024 dated 02.05.2024 and quash the same as illegal and void, consequently direct the 3rd respondent to grant 21 days ordinary leave without police escort to petitioners son namely Sivakumar, S/o.Easwaran, Convict No.23279, confined Central Prison, Tiruchirappalli, forthwith by considering petitioner representation dated 27.03.2024.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. C. Karthikeyan, Advocate for the Petitioner and of Mr. A. Thiruvadi Kumar, Additional Public Prosecutor for the respondents, this Court made the following order:

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

This petition has been filed seeking to **modify the condition imposed** in the order dated 21.6.2024 in W.P.(MD)No.12895 of 2024 granting emergency leave to the petitioner's son viz., Sivakumar S/o Easwaran, Convict No.23279 confined at Central Prison, Trichirapalli by considering his representation dated 27.03.2024 forthwith, that it shall be “**with escort**” as one of “**without escort**”.



2. When the matter was taken up, Mr.A.Thiruvadikumar, learned Additional Public Prosecutor appearing for the respondents, would submit that since the petitioner had sought for leave for the first time, it would be appropriate to grant leave only with escort and thereby this Court had directed for providing escort.

3. Though a modification is sought for removal of the condition with regard to escorting, learned counsel for the petitioner would submit that the petitioner is aggrieved against the insistence of escort charges in advance by the authorities, which the petitioner is unable to comply with and avail the leave as ordered by this court. He would also submit that this Court had been specific in the said condition to the effect that the escort charges shall be borne by the petitioner and **if necessary, the same shall be adjusted from the income earned by the convict during the imprisonment period**, however, the escort charges are demanded in advance and thereby, seeks for a modification of the said condition.

4. In this regard, the learned Additional Public Prosecutor submitted that if the petitioner is unable to bear the escort charges, it will not be insisted in advance and it will be adjusted only from the income earned by the convicted prisoner during the imprisonment period.

5. In view of the above submission, we are not making any modification of the order which we have passed, except making it clear that the escort charges shall be adjusted from the income earned by the said prisoner during the imprisonment



period and it shall not be insisted at once.
closed.

Accordingly, the present petition is

Sd/-

Assistant Registrar(C.O)

// True Copy //

/11/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

TO

- 1 The Principal Secretary to Government,
Home Prohibition and Excise,
(Pension - Iv) Department,
Fort. St. George
Chennai - 600 009.
- 2 The Director General of Prisons,
O/o.Tamil Nadu Prisons Headquarters,
Whannels Road, Egmore, Chennai - 600 008.
- 3 The Deputy Inspector General of Prisons,
Trichy Range, Race Course Road,
Trichy - 620 023.
- 4 The Superintendent of Prisons,
Central Prison, Trichy - 620 020.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 28/10/2024

=====

ORDER

=====

WMP(MD). No.13974 of 2024
in
WP(MD)No.12895 of 2024

KVL/07.11.2024 5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023