



W.P.(MD) No.15807 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

CORAM:

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

W.P.(MD) No.15807 of 2024

and

W.M.P.(MD) No.13759 of 2024

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... Petitioner

-VS-

1.The Deputy Inspector General of Prison
O/o.The Deputy Inspector General of Prison
and Correctional Services
Madurai Range, Madurai Central Prison Campus
New Jail Road, Madurai

2.The Superintendent of Prison
Central Jail
New Jail Road
Arasaradi, Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of certiorarified mandamus to call for the records of the impugned order
passed by the first respondent in RO-MDU/14/2024-G2 dated 05.04.2024,



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quash the same and further direct the respondents 1 and 2 to grant ordinary leave for the period of thirty days to the petitioner's husband namely Komban @ Kombaiah in C.P.No.6350, who is life convicted in one murder case and languishing Central Jail, Madurai, for past four years, by considering the petitioner's representation dated 12.02.2024.

For Petitioner : Mr.SMA.Jinnah

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 05.04.2024, passed by the first respondent, rejecting the petitioner's representation dated 10.02.2024 seeking grant of ordinary leave for her husband, namely, Komban @ Kombaiah (C.P.No.6350). A consequential relief is also sought for by the petitioner to direct the respondents to grant thirty days ordinary leave to her husband / convict, on medical grounds, by considering her representation dated 12.02.2024.



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2. Today, when the matter is taken up for hearing, learned Additional Public Prosecutor, appearing for the respondents, on instructions, submitted that the petitioner's husband / convict is a Type-II diabetes patient and he is under a regular treatment. During 2004, he had undergone ORIF surgery in his right tibia and following the same, during 2017, he had undergone an operation in his left knee posterior cruciate ligament tear. He is under a regular follow-up and his health condition has improved significantly and at present, he is stable and he is doing his regular day-to-day activities without any support. In support of his contentions, he has also produced a copy of the report, dated 16.07.2024, issued by the Assistant Surgeon / Prison Medical Officer, Central Jail, Madurai, before this Court.

3. In view of the above report dated 16.07.2024, issued by the Assistant Surgeon / Prison Medical Officer, Central Jail, Madurai, no further adjudication is required in this writ petition and the same is, therefore, liable to be dismissed.



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4. Accordingly, the writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.]

[K.R.S., J.]

22.07.2024

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

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To:

- 1.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.
- 2.The Superintendent of Prison,
Central Jail,
New Jail Road,
Arasaradi, Madurai.



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