



W.P(MD)No.16282 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM:

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

W.P(MD)No.16282 of 2024

Nallamuthu

... Petitioner

-vs-

The State represented by its

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

2.The Deputy Inspector General of Prison,
Trichy Range,
Trichy Central Prison,
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 Certiorarified Mandamus to call for the records pertaining to the



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Impugned Order bearing No.106/Mu.Vu/2024, dated 13.06.2024 passed by the second respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 30 days without escort to Kannan, S/o.Nallamuthu, aged about 38 years, Convict No.21175, detained at Central Prison, Trichy.

For Petitioner : Mr.S.Ramya

For 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 challenging the impugned order passed by the second respondent, dated 13.06.2024 and quash the same and consequently, direct the respondent to grant ordinary leave for 30 dyas without escort to Kannan, S/o.Nallamuthu, aged about 38 years, Convict No.21175, detained at Central Prison, Trichy.

2. The case of the petitioner is that his son was convicted for the offence under Sections 449 and 302 IPC and sentenced to undergo life



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imprisonment. The convict's mother had a seizure attack few months back and fell down on the ground unconsciously and sustained injury on her head. The convict prisoner had mortgaged a land titled in the name of the petitioner's wife Mrs.Nagavalli, but they are unable to trace the documents. It is necessary to secure the property and its documents to partition the property between his sons and settle the pending debts. In this situation, the prisoner's presence is necessary to settle the property. Therefore, the petitioner has made a representation on 09.04.2024 to the respondents seeking ordinary leave of 30 days. The said request was rejected by the second respondent on 13.06.2024. 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 the request of the petitioner was rejected by the first respondent on the ground that the Probationary Officer and the respondent police have opposed the same that the prisoner's family residing as joint family and the acceptance of the others is doubtful. He would further submit that the deceased family settled in Chennai.



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4. Taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the respondents 2 & 3 to grant Ordinary Leave for 10 days to the prisoner with escort.

5. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 13.06.2024, passed by the second respondent, is set aside.

(ii) The convict prisoner, namely, Kannan, S/o.Nallamuthu (Convict No.21175), shall be granted ordinary leave for ten (10) days with escort.

(iii) He shall report back to the Superintendent of Prison, Central Prison, Trichy/third respondent on completion of leave period.

(iv) Necessary escort shall be provided to accompany the convict prisoner.



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(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 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.

(viii) No costs.

[A.D.J.C., J.] [K.R.S., J.]
19.07.2024

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