



W.P(MD)No.16258 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.16258 of 2024

Pavithra

... 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 ordinary leave for 30 days without escort to the detenu, Balamurugan, S/o.Pakkirisamy, aged about 46 years, bearing Convict No.23087, now confined at Central Prison, Trichy.



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For Petitioner : Mr.S.Ramya
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 ordinary leave for 30 days without escort to the detenu, Balamurugan, S/o.Pakkirisamy, aged about 46 years, bearing Convict No.23087, now confined at Central Prison, Trichy.

2. The case of the petitioner is that her husband is a life convict prisoner, bearing convict No.23087, now confined at Central Prison, Trichy. She is living with her three children and own a small grocery shop. She is unable to raise her children alone and she is struggling financially. Her husband lost his eye vision and there were also fractures in the head, face, ribs, right knee and jaw in a traffic accident in the year 2018 and he needs some treatment. Therefore, it is just and necessary to grant 21 days ordinary leave to the detenu. Hence the petitioner



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has given a representation to the respondents on 17.06.2024. 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 the representation of the petitioner is pending. He would further submit that though the petitioner's appeal has been dismissed by this Court, the detenu had approached the Hon'ble Supreme Court and SLP is pending and yet to be numbered in Diary No.43455 of 2023 and he is not eligible for ordinary leave. The detenu had gone on leave for one time.

4. Taking into consideration the fact that the SLP filed by the prisoner is not yet numbered, the reason stated is also the ailment of the prisoner and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the third respondent to grant ordinary leave to the convict prisoner for ten (10) days without escort.



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5. In the result,

(i) The writ petition is allowed.

(ii) The convict prisoner, namely, Balamurugan, S/o.Pakkirisamy Convict No.23087, undergoing imprisonment now at Central Prison, Trichy, shall be granted emergency leave for ten (10) days without escort.

(iii) He shall sign before the Inspector of Police, Sethupavachatram Police Station, daily at evening 06.30 p.m., during the leave period.

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

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

Copy To

The Inspector of Police,
Sethupavachatram Police Station.



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