



W.P(MD)No.16263 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.16263 of 2024

Rajalakshmi

... Petitioner

-VS-

- 1.State of Tamilnadu,
Rep. by the Secretary to Government,
Home (Prison IV) Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Director General of Police
and Inspector General of Prisons and Correctional Services,
Whannels Road,
Egmore,
Chennai-600 008.
- 3.The Deputy Inspector General of
Prisons and Correctional Services,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai-625 016.



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4.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents to grant emergency leave/ordinary leave for the period of 10 days for the petitioner's son namely Attery @ Rajavelu (CP 6178) son of Periyakaruppan, aged about 24 years, confining at Maddurai Central Prison as life convict for participating petitioner's husband Periyakaruppan's 30th day funeral function on 22.07.2024.

For Petitioner : Mr.R.Venkatesan

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 emergency leave for the period of 10 days for the petitioner's son namely Attery @ Rajavelu (CP 6178) son of Periyakaruppan, aged about 24 years, confined at Madurai Central Prison as life convict.



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2. The case of the petitioner is that the petitioner's son was convicted and now he is undergoing sentence in Central Prison, Madurai. The convict's father had passed away on 20.06.2024. The prisoner came out on leave for one day for his father's death and he performed the funeral of his father and went back to the prison. Now, the petitioner arranged to perform her husband's 30th day ceremony on 22.07.2024 and therefore, the presence of the detenu is necessary to perform the 30th day rituals as per their custom. Hence the petitioner has given a representation to the respondents on 15.07.2024. Since the respondents have not taken any action on the representation of the petitioner, the present writ petition has been filed.

3. Learned Additional Public Prosecutor appearing for the respondents would submit that as per Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982, emergency leave can be granted to a prisoner for attending death or serious illness of his close relatives and the prisoner, being a life convict confined at Madurai Central Prison as per the judgment dated 14.7.2022 in S.C.No.82 of 2019, had already been granted one day leave to perform the funeral of his father, who had passed away on 20.6.2024 and now he cannot claim



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emergency leave as a matter of right for performing the 30th day rituals and thereby sought for dismissal of the petition.

4. The detenu is the son of the deceased Peiryakaruppan. Admittedly, the detenu/son of the deceased was granted one day emergency leave for attending the funeral of his father and now, he has to perform his father's 30th day rites. Though the Rules do not provide for grant of emergency leave for the reason assigned, considering the genuineness of the request of the petitioner and also taking a sympathetic and humanitarian view, this Court directs the fourth respondent to grant emergency leave to the convict prisoner for three days alone (from 21.07.2024 to 23.07.2024) with required escort.

5. In the result,

(i) The writ petition is allowed.

(ii) The convict prisoner, namely, Attery @ Rajavelu, S/o.Periyakaruppan, (CP 6178) undergoing imprisonment now at Central Prison, Madurai, shall be granted emergency leave for three days (3) from 21.07.2024 to 23.07.2024 with escort.



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(iii) He shall report back to the Superintendent of Prison, Central Prison, Madurai/fourth respondent by 10.00 a.m., on 24.07.2024.

(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.

(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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Note: Issue Order Copy on 19.07.2024



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To:

- 1.The Secretary to Government,
Home (Prison IV) Department,
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- 2.The Director General of Police
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AND
K.RAJASEKAR, J.

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