



W.P(MD)No.16701 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM:

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

**W.P(MD)No.16701 of 2024
and
W.M.P(MD)No.14454 of 2024**

S.Seethalakshmi

... Petitioner

-VS-

The State represented by its,
1.The Deputy Inspector General of Prison,
Trichy Range,
Trichy Central Prison,
Trichy-620 020.

2.The Superintendent,
Trichy 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 impugned Order bearing No.106/Mu.Vu/2024, dated 22.05.2024 passed by the



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first respondent and quash the same and consequently direct the respondents to grant ordinary leave for 30 days without escort to Ganesan, S/o.Senthilkumar, aged about 35 years, life convict No.24208, detained at Central Prison, Trichy.

For Petitioner : Ms.K.Akshya
for Mr.S.Manoharan

For Respondent : 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 first respondent, dated 22.05.2024 and quash the same and consequently, to direct the respondents to grant ordinary leave for 30 days to the petitioner's son, namely Ganesan, S/o.Senthilkumar, aged about 35 years, life convict No.24208 now confined under Central Prison, Trichy.

2. The case of the petitioner is that the petitioner's son was convicted and he is now confined at Central Prison, Trichy as a life convict. The petitioner has been undergoing dialysis for formation of salt clots in her kidney. The



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petitioner's husband also heart patient and he is having health problems.

Therefore, the petitioner's son comes on leave to carry out necessary arrangements to support and proper medical treatment. Therefore, it is very much necessary to grant 30 days ordinary leave to the petitioner's son without escort. Hence, the petitioner has sent a representation dated 08.04.2024 to the respondent seeking ordinary leave for a period of 30 days. The first respondent has rejected the said request and passed a rejection order dated 22.05.2024. 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 has been rejected on the ground that the convict has not completed three years and thereby, he is not eligible for ordinary leave, therefore, her request has been rejected by the first respondent.

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 to grant emergency leave for 6 days to the petitioner's son/detenu with escort.



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5. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 22.05.2024, passed by the first respondent, is set aside.

(iii) The convict prisoner, Ganesan, son of Senthilkumar, who is confined as a life convict (Life Convict No.24208) in the Central Prison, Trichy shall be granted emergency leave for a period of six (6) days.

(iv) He shall report back to the Superintendent of Prison, Central Prison, Trichy on completion of leave period.

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

(vi) The escort charges shall be borne by the State if the prisoner is eligible, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment period.

(vii) The petitioner shall produce all



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necessary documents, along with a copy of this order, before the jail authorities.

(viii) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the jail manual.

(ix) No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] [K.R.S., J.]
29.07.2024

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

To:

- 1.The Deputy Inspector General of Prison,
Trichy Range,
Trichy Central Prison,
Trichy-620 020.
- 2.The Superintendent,
Trichy Central Prison,
Trichy-620 020.



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A.D.JAGADISH CHANDIRA, J.
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