



W.P.(MD) No.17131 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2024

CORAM:

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

W.P.(MD) No.17131 of 2024

and

W.M.P.(MD) No.14773 of 2024

G.Sahaya Punitha

... Petitioner

-VS-

1.The Deputy Inspector General of Prisons
Madurai Range, A.A.Road
Arasaradi, Madurai-625 016

2.The Superintendent of Prisons
Central Prison
Palayamkottai, Tirunelveli

... 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 order passed by the first respondent in his proceedings No.9724/UTha.2/2024, dated 07.04.2024 and quash the same and consequently direct the respondents to release the petitioner's husband, namely, S.Babu @ Gopalakrishnan, aged



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about 40 years on parole for fifteen days so as to enable him to execute a settlement deed in favour of the petitioner and to make arrangements for the livelihood of the petitioner's family and other family members.

For Petitioner : Mr.M.Saravanakumar

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 07.04.2024, passed by the first respondent, rejecting the petitioner's representation dated 21.02.2024 seeking grant of ordinary leave to her husband, namely, S.Babu @ Gopalakrishnan (C.P.No.4392).

2. The case of the petitioner is that her husband S.Babu @ Gopalakrishnan (C.P.No.4392) is a life convict and he is in incarceration pursuant to the Judgment dated 11.04.2019, passed S.C.No.53 of 2012, by the learned Additional District and Sessions Judge, Fast Track, Court, Kanyakumari @ Nagercoil and the appeal preferred by him challenging his conviction and sentence imposed on him has been dismissed by this Court.



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3. It is the further case of the petitioner that she is in need of selling the property stands in the name of her husband / convict to meet out the family expenses and to settle the dues, for which the presence of her husband is essential. Hence, she made a representation, dated 21.02.2024, to the respondents seeking grant of one week ordinary leave to her husband (convict). However, the same has been rejected by the impugned order of the first respondent, on the ground that her husband has not satisfied the requirements of Rule 22(1)(c) of the Tamil Nadu Prison Rules, 1983. Challenging the same, the present writ petition.

4. Learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the convict has not availed any leave sofar. He would further submit that the reasons stated by the petitioner for grant of leave to her husband are true, however, the Probation Officer has not recommended the case of the petitioner, since the brother of the deceased, namely, Kumaresn has raised a serious objection for release of the convict and there is also a likelihood of threat to him from the family members of the deceased.



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5. Taking into consideration the facts and circumstances of the case that the convict has to execute a settlement deed in favour of his wife enabling her to sell the property, which stands in his name, to meet out the family expenses and to settle the dues, we are inclined to direct the respondents to grant six days emergency leave to the petitioner's husband.

6. Accordingly, the writ petition is disposed of with the following directions:

- (i) The respondents are directed to grant six days emergency leave to the petitioner's husband, namely, S.Babu @ Gopalakrishnan, (Convict No.4392), from 05.08.2024 to 10.08.2024.
- (ii) He shall report back to the Superintendent of Prison, Central Prison, Palayamkottai / second respondent, by 10.00 a.m., on 11.08.2024, without fail.
- (iii) Necessary escort shall be provided to accompany the convict prisoner.
- (iv) The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the



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income earned by the convict prisoner during the imprisonment period.

- (v) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities,
- (vi) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.
- (vii) No costs. Consequently, connected miscellaneous petition is closed.

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

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

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To:

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