



W.P(MD)No.16679 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**

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R.Vijayalakshmi

... Petitioner

-VS-

The Superintendent,
Central Prison,
Trichy.

... Respondent

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 rejection order issued by the respondent in his proceedings No. 7686/Tha.Ku.4/2024, dated 15.05.2024 and quash the same and consequentially direct the respondent to grant emergency leave for the period of 6 days to the petitioner's brother namely Rajagopal, son of Ramasamy, who is confined as a life convict (Life Convict No.25144) in the respondent's Central Prison, Trichy.



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For Petitioner : Mr.Ananda Kumar

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 respondent, dated 15.05.2024 and quash the same and consequently, to direct the respondent to grant emergency leave for the period of 6 days to the petitioner's brother, namely Rajagopal, son of Ramasamy a life convict prisoner (C.P.No.25144) now confined under Central Prison, Trichy.

2. The case of the petitioner is that the petitioner's brother Rajagopal, son of Ramasamy is now confined at Central Prison, Trichy as a life convict. After the demise of their parents, their family is struggling lot financially and after the conviction of her brother, her family and her brother's family is facing financial difficulty and her brother Rajagopal's wife is leading her life in her parental home situated in Aamarasur Village with her two sons and she is also



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struggling a lot to lead a decent life and to educate her sons, due to which, their family decided to sell a portion of land property belongs to their family in Venkadachalapuram and Alangudi Mahajanam Village and her brother has also necessarily to sign the sale deed documents and there is an offer to purchase their land property and if the sale deed is executed, her brother Rajagopal has to appear before the Sub-Registrar Office, Lalgudi. Therefore, the petitioner has sent a representation dated 09.05.2024 to the respondent seeking emergency leave for a period of 3 days. The respondent has rejected the said request and passed a rejection order dated 15.05.2024. 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 only to see the blood relatives if they fell sick for any medical reasons or to attend any death of blood relatives, wife etc., or to attend the blood relatives marriage, etc., the emergency leave can be considered as per Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982.



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

5. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 15.05.2024, passed by the third respondent, is set aside.

(iii) The convict prisoner, Rajagopal, son of Ramasamy, who is confined as a life convict (Life Convict No.25144) 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.



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(vi) 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.

(vii) The petitioner shall produce all 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.

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

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