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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

Friday, the Twenty Sixth day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
AND
The Hon`ble Mr.Justice K. RAJASEKAR

WMP(MD). No.14731 of 2024
in
WP(MD). No.15442 of 2024

Punitha Nathan.R

... Petitioner/Mother of Detenu

Vs

1 The State Represented by its
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 in WMP(MD) No.14731 of 2024:-

The Miscellaneous petition filed under Article 226 of Constitution of India to modify condition -(ii) in W.P.15442 of 2024, order dated 12.07.2024 to the detenue Solai Ganesan, S/o.Solai, bearing Convict No. 24219, undergoing imprisonment now at Central Prison, Trichy as without escort and grant emergency leave for 3 days from 28.07.2024 to 30.07.2024.

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Prayer in WP(MD). 15442/ 2024 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to grant emergency leave for 6 days without escort to the detenuem the petitioner's sister's son, Solai Ganesan, S/o.Solai, bearing Convict no. 24219, undergoing imprisonment now at Central Prison, Trichy.

ORDER:- This Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Ms. K.Akshaya, Advocate for the Petitioner and of Mr.A.Thiruvadikumar, Additional Public Prosecutor, for the respondents, this Court made the following order:

The present petition has been filed seeking modification of condition (ii) imposed in the order passed by this court on 12.7.2024 in W.P.(MD) No.15442 of 2024.

2. The said order was passed by this court directing the third respondent to grant emergency leave to the convict prisoner viz., Solai Ganesan S/o.Solai, Convict No.24219 confined at Central Prison, Trichy, for three days with required escort for performing the post-death rituals of his mother. Whiles, the present petition has been filed on behalf of the convict seeking modification of the condition.

3. Learned counsel for the petitioner would submit that due to poor financial status, the convict could not bear the escort charges and thereby he was unable to avail the leave granted to him by this court, as a result, the post-death rituals of his mother had to be postponed to 29.7.2024. He would, therefore, seek indulgence of

this court to modify the condition with regard to grant of emergency leave **with**



escort as one of **without escort** for three days from to enable him to perform the rituals. He would also submit that on earlier occasion, the convict was granted leave without escort by the order of this court dated 23.8.2023 in W.P.(MD) No.12156 of 2023 and he was also granted interim bail for 3 months without escort by the order of this court dated 12.2.2024 in CrI.M.P.(MD) No.1152 of 2024 in CrI.A. (MD) No.525 of 2022 and after availing such concession, the convict had returned to prison without there being any untoward incident and considering the same, the condition imposed may be modified.

4. Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and considering the grievance expressed on behalf of the convict, this court is inclined to modify the condition imposed. Accordingly, para 5(ii) of the order dated 12.7.2024 stands modified as under:-

*"The convict prisoner, namely, Solai Ganesan, S/o.Solai, Convict No.24219, undergoing imprisonment now at Central Prison, Trichy, shall be granted emergency leave for three(3) days from 29.7.2024 to 31.7.2024 **without escort.**"*



5. The convict shall report before the jail authorities concerned on 1.8.2024 at 10.00 am., without fail. The petition stands ordered accordingly.

Sd/-
Assistant Registrar(CS III)
// True Copy //

26/07/2024
Sub Assistant Registrar()

TO

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.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 26/07/2024
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ORDER
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WMP(MD). No.14731 of 2024
in
WP(MD). No.15442 of 2024
Giving direction and etc.
as stated within.

MK/26.07.2024 4P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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