



W.P.(MD) No.16995 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.16995 of 2024

and

W.M.P.(MD) No.14640 of 2024

Dhayal

... Petitioner

-VS-

1.The State rep.by
Principal Secretary to
Government of Tamilnadu
Home Department
Fort St.George
Chennai-600 009

2.The Deputy Inspector General of Prison
Madurai Range
Madurai

3.The Superintendent of Prison
Central Prison
Madurai

4.The Commissioner of Police
Madurai City
Madurai District
[R4 is *suo motu* impleaded vide
Court order dated 25.07.2024]

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the impugned order bearing No.339/U.tha.2/2024, dated 19.07.2024, passed by the second respondent and quash the same and consequently, direct the respondents to grant ordinary leave for 30 days to petitioner's husband, namely, V.P.Pandi @ Attack Pandi, son of Ponnusamy (C.P.No.5932) detained at Central Prison, Madurai.

For Petitioner : Mr.C.Mayilvahana Rajendran

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 19.07.2024, passed by the second respondent, rejecting the petitioner's representation dated 03.07.2024 seeking grant of ordinary leave to her husband, namely, V.P.Pandi @ Attack Pandi, (C.P.No.5932).



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2. The case of the petitioner is that her husband V.P.Pandi @ Attack Pandi, (C.P.No.5932) is a life convict and he is in incarceration pursuant to the Judgment dated 21.03.2019, passed in CrI.A.(MD) No.274 of 2011 and CrI.R.C.(MD) No.310 of 2024, passed by this Court. The appeal preferred by the convict against the conviction and sentence imposed on him by this Court is pending disposal before the Honourable Supreme Court.

3. It is the further case of the petitioner that she is suffering from heart disease and undergoing treatment, for which, she requires the assistance of her husband (convict). Hence, she made a representation, dated 03.07.2024, to the respondents seeking grant of one month ordinary leave to her husband (convict). However, the same has been rejected by the impugned order of the second respondent, citing the pendency of the appeal preferred by the convict before the Apex Court. Challenging the same, the present writ petition.

4. The impleaded fourth respondent has filed a counter objecting to grant leave to the petitioner's husband.



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5. Learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner's husband is involved in offences of communal nature. Further, he is also involved in yet another murder case and the same is also pending for trial in S.C.No.562 of 2018 before the VI Additional District and Sessions Judge, Madurai.

6. In reply, learned counsel for the petitioner would submit that the petitioner needs the assistance of her husband for her medical treatment and that she undertakes that he will not meet persons belonging to any organisation and not meet media or give interview to press.

7. 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 ordinary leave for seven days to the prisoner with escort.

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



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- (i) The respondents are directed to grant seven days ordinary leave to the petitioner's / husband, namely, V.P.Pandi @ Attack Pandi, (C.P.No.5932).
- (ii) He shall report back to the Superintendent of Prison, Central Prison, Madurai / third respondent, by 10.00 a.m., on completion of the leave period.
- (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 income earned by the convict prisoner during the imprisonment period.
- (v) The jurisdictional police shall shadow over the prisoner during the leave 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 and as per the undertaking that he shall not



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indulge in any other activities other than the purpose for which the leave is sought for and he shall not give interview in any media including social media.

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

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

01.08.2024

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

Note to Office:

Mark a copy of this order to the jurisdictional Police.

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To:

- 1.The Principal Secretary to
Government of Tamilnadu,
Home Department,
Fort St.George,
Chennai-600 009.
- 2.The Deputy Inspector General of Prison,
Madurai Range,
Madurai.
- 3.The Superintendent of Prison,
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