



W.P.(MD) No.17079 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**

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Sathaga Sounthram

... Petitioner

-VS-

1.The Additional Director General
of Police (Prison)
Chennai

2.The Superintendent
Central Prison
Madurai

... 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 in No.I/42886/2024, dated 08.07.2024, on the file of the second respondent and quash the same as illegal and consequently direct the second respondent to release the petitioner's son, namely, Sathish Kumar, son of Sathaga Sounthram (C.P.6111), on ordinary leave / emergency leave for ten days, for arranging medical expenses for the petitioner and his wife.



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For Petitioner : Mr.M.Jegadeesh Pandian
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 08.07.2024, passed by the second respondent, rejecting the petitioner's representation dated 02.07.2024, seeking grant of emergency for his son, namely, Sathish Kumar (C.P.No.6111).

2. The case of the petitioner is that his son Sathish Kumar is a life convict and he is in incarceration pursuant to the Judgment dated 08.03.2022, passed in S.C.No.31 of 2019, by the learned III Additional District and Sessions Judge (PCR), Madurai. Challenging the conviction and sentence imposed on him by the Trial Court and modified by this Court, the convict has preferred appeal before the Apex Court and the same is pending disposal.

3. It is the further case of the petitioner that he is a physically challenged person and his wife has got brain stroke, thereby, her right leg and



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right hand have completely paralysed. He is also suffering from urinary bladder pain, for which, he is taking treatment. In such circumstances, he requires the assistance of his son (convict) for providing them medical treatment. Hence, he made a representation, dated 02.07.2024, to the respondents seeking grant of ten days ordinary leave / emergency to his son (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 conviction and sentence imposed on him by the Trial Court and modified by this Court. Therefore, the present writ petition.

4. Learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the appeal preferred by the convict challenging the conviction and sentence imposed on him by the Trial Court and modified by this Court is pending before the Honourable Supreme Court and he has not availed any leave sofar. He would further submit that though the reason for which leave is sought for is true, the convict is one of the accused in a murder case, in which the motive is communal prejudices and he would object for grant leave.



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5. Taking into consideration the facts that the parents of the convict are suffering from severe illness, for which they need the assistance of their son (convict), we are inclined to direct the respondents to grant ten days ordinary leave to the petitioner's son.

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

- (i) The respondents are directed to grant ten days emergency leave to the petitioner's son, namely, Sathish Kumar (C.P.No.6111).
- (ii) He shall report back to the Superintendent of Prison, Central Prison, Madurai / second 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.



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- (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.

[A.D.J.C., J.]

[K.R.S., J.]

01.08.2024

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

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To:

- 1.The Additional Director General
of Police (Prison),
Chennai.
- 2.The Superintendent,
Central Prison,
Madurai.



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AND
K.RAJASEKAR, J.

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