



W.P.(MD) Nos. 17768 and 18145 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P.(MD) Nos.17768 and 18145 of 2024

W.P(MD) No.17768 of 2024

Dhanalakshmi

... Petitioner

-VS-

1. The Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Government of Tamil Nadu
Fort St. George,
Chennai- 600 009.
2. The Director General of Police/
Director General of Prisons
Correctional Services
C.M.D.A. Towers- II,
No.1, Gandhi Irwin Road,
Egmore, Chennai.
3. The Deputy Inspector General of Prisons
Madurai Range, Madurai Central Prison Campus
New Jail Road, Madurai- 625 016
4. The Superintendent of Prison
Madurai Central Prison
Madurai District 625 016

....Respondents.



W.P.(MD) Nos. 17768 and 18145 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the third respondent in No.46/உ.த.2/2024 dated 05.01.2024 and to quash the same as illegal and consequently direct the third respondent herein to pass orders to grant 40 days ordinary leave without escort to the petitioner's husband by name Sridhar, son of Rasudevar, aged 53 years CP.No.5418 who is undergoing his life sentence for more than 17 years in the Central Prison, Madurai for availing better treatment in a private hospital on the basis of Rule 40 of the Tamil Nadu Suspension of Sentence Rules, 1982 in accordance with law within the time stipulated by this Court.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

W.P(MD) No.18145 of 2024

Marudambal

... Petitioner

-VS-

1. The Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Government of Tamil Nadu
Fort St. George,
Chennai- 600 009.
2. The Director General of Police/
Director General of Prisons and Correctional Services



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C.M.D.A. Towers- II,
No.1, Gandhi Irwin Road,
Egmore, Chennai.

3. The Deputy Inspector General of Prisons
Madurai Range, Madurai Central Prison Campus
New Jail Road, Madurai- 625 016

4. The Superintendent of Prison
Madurai Central Prison
Madurai District 625 016

....Respondents.

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the third respondent in No.45/உ.த.2/2024 dated 05.01.2024 and to quash the same as illegal and consequently direct the third respondent herein to pass orders to grant 40 days ordinary leave without escort to the petitioner's husband namely Kumar @ Palanikumar,S/o.Samayamuthu, Life convict Prisoner No.5216, aged about 53 years confining at Madurai Central Prison, Madurai to make arrangements for petitionoener's daughter marriage to admit my son in an institution for pursue his higher education and to admit in a private hospital for undergoing better treatment on the basis of Rule 40 of the Tamil Nadu Suspension of Sentence Rules, 1982 in accordance with law within the time stipulated by this Court.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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COMMON ORDER

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WP(MD) No.17768 of 2024 has been filed in the nature of Certiorarified Mandamus seeking to set aside the order dated 05.01.2024 passed by the third respondent, Deputy Inspector General of Prisons, Madurai Range, Madurai Central Prison campus, Madurai and grant 40 days ordinary to the husband of the petitioner namely Sridhar, S/o. Rasudevar aged about 53 years, Convict Prisoner No. 5418 who is now confined at Central Prison, Madurai.

2. W.P(MD)No.18145 of 2024 had been filed in the nature of Certiorarified Mandamus seeking to set aside the order dated 05.01.2024 passed by the third respondent, Deputy Inspector General of Prisons, Madurai Range, Madurai Central Prison campus, Madurai and grant ordinary leave for 40 days to the husband of the petitioner namely Kumar @ Palanikumar, S/o.Samayamuthu aged about 53 years, Convict Prisoner No. 5216 who is now confined at Central Prison, Madurai.

3. Both the husband of the two petitioners had been convicted in S.C. No. 264 of 2005 by the learned Additional District and Sessions Judge, Fast Track Court No.III, Coimbatore by judgment dated 31.03.2006 for offences



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punishable under sections 458,395 and 396 of IPC and sentenced to undergo life imprisonment.

4. The husband of the writ petitioner in WP(MD) No.17768 of 2024 Sridhar is A6 in the sessions case. The husband of the Writ Petitioner in W.P(MD) No.18145 of 2024, Kumar @ Palanikumar is A3 in the Sessions Case.

5. It is contended on behalf of the respondents that both the convict prisoners have availed leave on several earlier occasions. The reason now sought for grant of leave is that the writ petitioner in WP(MD) No.17768 of 2024 has stated that the convict prisoner is suffering from heart problem and requires treatment in a private hospital. It is also stated that he is maintaining good conduct in the prison. It is further stated that he had been granted leave on several occasions and he always surrendered on the stipulated day.

6. The writ petitioner in W.P(MD) No.18145 of 2024 had stated that her daughter had completed B.A and is now pursuing law in Madurai and his presence is required to make arrangements for the alliance. The presence of the husband of the petitioner would be advantageous.



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7. It is contended by the learned counsel appearing for the petitioners in both the cases that the Court may decide the date on which the leave is to be granted and if the leave is granted both the convict prisoners would be take advantage of the same by taking treatment and by arranging alliance to the daughter of the petitioner respectively.

8. On perusal of the records it is seen that on an earlier occasion also leave had been granted without escort. We have sought a report whether any hostility prevails in that area and we are informed that as on date no such report had come to the knowledge of the respondent.

9. Taking into consideration all the facts the impugned orders passed by the third respondent dated 05.01.2024 is set aside and the writ petitions are allowed. The convict prisoner namely in Sridhar S/o. Rasudevar, C.P. No. 5418 and Convict Prisoner namely Kumar @ Palanikumar, S/o.Samayamuthu. C.P. No.5216 are granted ordinary leave for a period of 30 days effective from 05.11.2024 at 10.00 a.m., till 07.12.2024 @ 5.00 pm., During the interregnum period the convict prisoners shall report before the Inspector of Police, Subramaniyapuram Police Station daily at 10.30 am., without fail. Further



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during the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

[C.V.K., J.] [R.P., J.]
22.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 28.10.2024

To:

1. The Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Government of Tamil Nadu
Fort St. George,
Chennai- 600 009.
2. The Director General of Police/
Director General of Prisons
Correctional Services
C.M.D.A. Towers- II,
No.1, Gandhi Irwin Road,
Egmore, Chennai.
3. The Deputy Inspector General of Prisons
Madurai Range, Madurai Central Prison Campus
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4. The Superintendent of Prison
Madurai Central Prison
Madurai District 625 016

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

Copy to

The Inspector of Police
Subramaniyapuram Police Station,
Madurai District



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C.V. KARTHIKEYAN, J.
AND
R.POORNIMA, J.

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