



W.P(MD) No.17883 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 18.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

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Vijaya

... Petitioner

Vs

1. The Secretary to Government of Tamil Nadu
Home Department,
Prison Branch -IV
Chennai-600009
2. The Deputy Inspector General of Prison
Trichy Range,
Trichy Central Prison,
Trichy- 620 020
3. The Superintendent
Trichy Central Prison
Trichy- 620 020

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of certiorarified mandamus to call for the records pertaining to the impugned order bearing No. 106/Mu.Vu./2024 dated 13.06.2024 passed by the second respondent and



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quash the same and consequently direct the respondents to grant ordinary leave for 40 days without escort to Murugan, S/o.Kannan aged about 47 years, life convict no.17351 detained at Central Prison, Trichy.

For Petitioner : Mr.S.Manoharan
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor.

ORDER

The writ petition has been filed by the mother of the detenue /Vijaya seeking ordinary leave for a period of 40 days to the son of the petitioner, A Murugan, S/o.Kannan aged about 47 years, life convict no. 17351 and now confined in Central Prison at Trichy.

2. The petitioner had sent a representation in this regard, but the same has been rejected by the second respondent/The Deputy Inspector General of Prison, Trichy Range, Trichy Central Prison, Trichy by his proceedings dated 13.06.2024 in No.106/Mu.Vu./2024. In the order of the second respondent, it had been stated that in accordance with Rule 21(h)(2) of Tamil Nadu Suspension of Sentence Rules, 1982, the son of the petitioner is not eligible for ordinary leave since he had been convicted for the offence under Section 364 of IPC.



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3. The learned Additional Public Prosecutor on instructions stated that the son of the petitioner had suffered incarceration for nearly about 20 years and nine months and that he was also earlier granted leave and taken leave. The total period of leave taken is 149 days and that between 11.06.2024 and 15.06.2024 he had been granted emergency leave as the last occasion.

4. A report had been forwarded by the Probationary Officer at Mayiladutharai who had visited the house, where the petitioner resides and stated that the health condition of petitioner is quite serious and that she could not lift her right hand and she had a cyst in her stomach. The petitioner is a widow and she is not able to bear the expenses for the medical treatment.

5. Taking all these factors into consideration we quash the order of the second respondent dated 13.06.2024 in No.106/Mu.Vu./2024 and grant ordinary leave to the son of the petitioner, A Murugan, S/o.Kannan aged about 47 years, life convict no.17351, detained at Central Prison,



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Trichy for a period of 40 days, commencing from 21.09.2024@ 11.00 a.m., to 30.10.2024 @5.00 pm., without escort. During the interregnum period the son of the petitioner shall report before the Inspector of Police Kuthalam Police Station, Mayildathurai District every day at 10.30 a.m.,

6. In the result, the Writ Petition stands allowed.

(C.V.K., J.) (J.S.N.P, J.)
18.09.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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Note: Issue order copy on 20.09.2024



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To

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1. The Secretary to Government of Tamil Nadu
Home Department,
Prison Branch -IV
Chennai-600009
2. The Deputy Inspector General of Prison
Trichy Range,
Trichy Central Prison,
Trichy- 620 020
3. The Superintendent
Trichy Central Prison
Trichy- 620 020
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Inspector of Police
Kuthalam Police Station
Mayiladurai Police Station.



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and
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