



W.P.(MD) No.18568 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD) No.18568 of 2024

K.Rajalakshmi

... Petitioner

-vs-

1.The Principal Secretary to the Government of Tamilnadu,
Home (Prison-IV) Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Additional Director General of Police,
Inspector General of Prisons,
No.I, Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
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.E.59330/Tha.Ku.2/2024, dated 10.07.2024 on the file of the third respondent and quash the same as illegal and consequently direct the third respondent to release the petitioner's husband viz., Kandhasamy Pandian, S/o.Pandian, (Convict Prisoner No.5861-Central Prison, Madurai) on Ordinary Leave/Emergency Leave for 15 days towards arranging school fees and other essential expenditure for her family.

For Petitioner : Mr.S.Krishnan

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



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WEB COPY

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Prayer in this writ petition is to quash the order dated 10.07.2024, passed by the third respondent, rejecting the petitioner's representation dated 08.05.2024 seeking grant of ordinary leave to her husband, namely, Kandhasamy Pandian (C.P.No.5861).

2. The case of the petitioner is that her husband Kandhasamy Pandian, (C.P.No.5861) 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 having two female children. Her elder daughter Kayalvizhi Nachiyar has completed 10th standard. In view of future of her elder daughter, she decided to join her in a private school for studying 11th standard. Being a woman with 2 female children and having multiple health complication, she is not in a position to select school for her elder daughter.

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W.P.(MD) No.18568 of 2024

For the purpose of joining her elder daughter into 11th standard, the presence of her husband is very much needed. Hence, she made a representation, dated 08.05.2024, to the respondents seeking grant of fifteen days ordinary leave to her husband (convict). However, the same has been rejected by the impugned order of the third respondent, citing the pendency of the appeal preferred by the convict before the Apex Court. Challenging the same, the present writ petition.

4. Learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner's husband is involved in offences of communal nature and the co-accused in this case, namely Attack Pandi has been granted leave with certain conditions and this Court had already directed the said Attack Pandi to be kept under surveillance and this Court also directed to give sufficient escort and thereby, it may not be conducive for the respondents to grant leave to the convict prisoner at this juncture.

5. In reply, the learned counsel for the petitioner would submit that the petitioner is ready to go on leave even after the completion of leave period of the co-accused namely Attack Pandi or after 17.08.2024. He would submit that the petitioner undertakes that the prisoner will not meet persons belonging to any



W.P.(MD) No.18568 of 2024

organisation and not meet media or give interview to press.

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6. 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 after surrendering the co-accused viz., Attack Pandi.

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

- (i) The respondents are directed to grant seven days ordinary leave to the petitioner's / husband, namely, Kandhasamy Pandian (C.P.No.5861) after completion of the leave period of the co-accused Attack Pandi.
- (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



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W.P.(MD) No.18568 of 2024

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 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.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

05 /08/2024

Sub Assistant Registrar
(CS-I, II, III, IV)

am

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W.P.(MD) No.18568 of 2024

- 1.The Principal Secretary to
Government of Tamilnadu,
Home Department,
Fort St.George, Chennai-600 009.
- 2.The Additional Director General of Police,
Inspector General of Prisons,
No.I, Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 3.The Deputy Inspector General of Prison,
Madurai Range, Madurai.
- 4.The Superintendent of Prison,
Central Prison, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

1. The Commissioner of Police, Madurai.
2. The Inspector of Police,
Keerathurai Police Station, Madurai.

W.P.(MD) No.18568 of 2024
02.08.2024

RD(05/08/2024) 6P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.