



W.P.(MD) No.18255 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.18255 of 2024

C.Selvam

... Petitioner

-vs-

- 1.State of Tamil Nadu
rep.by the Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai-600 009
- 2.The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai-4
- 3.The Commissioner of Police
Trichy City, Trichy
- 4.The Additional Director General of Police /
The Additional Director General of Prison
Whannels Road, Egmore
Chennai
- 5.The Superintendent of Prison
Central Prison
Trichy

... Respondents



W.P.(MD) No.18255 of 2024

WEB C

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to forthwith provide the escort for enabling the petitioner to avail three days leave granted by the authorities under the Tamilnadu Suspension of Sentence Rules, 1982 in accordance with law.

For Petitioner : Mr.N.Pragalathan

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 direct the respondents 1 to 3 to forthwith provide escort enabling the petitioner to avail the three days leave granted to him by the authorities under the Tamilnadu Suspension of Sentence Rules, 1982, in accordance with law.

2. It is the case of the petitioner that he is a convict and he is in incarceration pursuant to the Judgment dated 05.10.1998, passed in S.C.No. 392 of 1997, by the learned principal Sessions Judge, Tirunelveli. The appeals preferred by him against the conviction and sentence have been



W.P.(MD) No.18255 of 2024

WEB COPY

dismissed by this Court and the Apex Court. He is in incarceration for nearly 30 years. On 20.04.2024, he made a representation to the authority concerned to grant emergency leave to him citing his wife's health condition. Based on the said representation, the fifth respondent had also granted three days emergency leave to the petitioner with police escort. However, the third respondent is not providing police escort to the petitioner, despite repeated request made by the fifth respondent and thereby, the petitioner is unable to avail the leave granted to him to meet his wife. Hence, this writ petition. It is the further case of the petitioner that on the earlier occasion also, though the fifth respondent had granted leave to him, the third respondent had not provided police escort and on the intervention of this Court, the third respondent provided police escort to the petitioner.

3. Heard the learned Additional Public Prosecutor appearing for the respondents.

4. Taking into consideration the facts and circumstances of the case that the fifth respondent has granted three days leave to the petitioner to meet his wife, who is taking treatment for her illness, we direct the Commissioner of Police, Trichy / third respondent to forthwith provide escort



W.P.(MD) No.18255 of 2024

to accompany the petitioner for the purpose of visiting his wife, namely, Evln Jenila, for a period of three days.

5. With the above direction, this writ petition is disposed of. No costs.

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

01.08.2024

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

krk

To:

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Secretariat, Chennai-600 009.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.
- 3.The Commissioner of Police,
Trichy City,
Trichy.
- 4.The Additional Director General of Police /
The Additional Director General of Prison,
Whannels Road, Egmore,
Chennai.



W.P.(MD) No.18255 of 2024

WEB COPY

5.The Superintendent of Prison,
Central Prison,
Trichy.



WEB COPY



W.P.(MD) No.18255 of 2024

A.D.JAGADISH CHANDIRA, J.
AND
K.RAJASEKAR, J.

krk

W.P.(MD) No.18255 of 2024

01.08.2024