



W.P.(MD) No.18243 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.18243 of 2024

Pavitha

... Petitioner

-vs-

1.The Principal Secretary to Government
Home, Prohibition &
Excise Department (Prison-IV) Department
Fort St.George
Chennai-600 009

2.Inspector General of Prisons
O/o.Prison Department Headquarters
Whannels Road
Egmore, Chennai-600 008

3.The Deputy Inspector General of Prisons
Trichy Range
Race Course Road
Trichy-620 023

4.The Superintendent of Prisons
Central Prison
Trichy-620 020

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to grant 21 days ordinary leave, without police escort to the petitioner's husband, namely, Prathap, son of Palanivelu, (Convict Prisoner No.22525), confined at Central Prison, Tiruchirappalli, by considering the petitioner's representation dated 25.06.2024 forthwith.

For Petitioner : Mr.C.Karthikeyan

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 to grant 21 days ordinary leave, without police escort, to the petitioner's husband, namely, Prathap (C.P.No.22525), based on the petitioner's representation dated 25.06.2024..

2. The case of the petitioner is that her husband Prathap is a life convict and he is in incarceration pursuant to the Judgment dated 04.04.2018, passed in S.C.No.204 of 2016, by the learned I Additional District



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and Sessions Judge, (PCR), Tiruchirappalli. The appeals preferred by the convict against the conviction and sentence imposed on him have been dismissed by this Court and the Honourable Supreme Court.

3. It is the further case of the petitioner that the convict's father is suffering from Bronchial Asthma and he is taking treatment for the same. Since she is not unable to mobilize funds for his medical treatment, she needs the assistance of her husband. Hence, she made a representation, dated 25.06.2024, to the respondents seeking grant of 21 days ordinary leave to her husband (convict). However, till date, the respondents have not passed any orders on the petitioner's representation. Hence, this writ petition..

4. Learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the appeals preferred by the convict against the conviction and sentence imposed on him, have been dismissed by this Court and the Apex Court. He would further submit that till date, the convict has not availed any leave.

5. Taking into consideration the fact that the convict's father is taking treatment, for which the petitioner, wife of the convict requires the



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assistance of her husband / convict, we are inclined to direct the respondents to grant eleven days ordinary leave to the petitioner's husband.

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

- (i) The respondents are directed to grant eleven days ordinary leave to the petitioner's husband, namely, Prathap, (Convict No.22525).
- (ii) He shall report back to the Superintendent of Prison, Central Prison, Trichy / fourth respondent, by 10.00 a.m., on completion of the leave period, without fail.
- (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.
- (v) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities,



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(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 Principal Secretary to Government,
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Excise Department (Prison-IV) Department,
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Chennai-600 009.
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