



W.P(MD)No.18553 of 2024

WEB COPY 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.18553 of 2024
and
W.M.P(MD)No.15767 of 2024**

Amutha

... Petitioner

-VS-

- 1.State of Tamil Nadu represented by,
The Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Fort St. George,
Chennai-600 009.
- 2.The Director General of Police/
Director of Prisons and Correctional Services,
C.M.D.A.Towers II,
No.I, Gandhi Irvin Road,
Egmore, Chennai.
- 3.The Deputy Inspector General of Prisons,
Trichy Range, Race Course Road,
Kozhipannai Salai (Near SRM Hotel),
Trichy-620 023.



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4.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

... 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 respondent No.4 in மு.மு.எண்.11957/த.கு.4/2024, dated 28.07.2024 and quash the same as illegal, consequently direct the Respondent No.4 to grant 6 days emergency leave without escort to the petitioner's son by name Sudhakar (CT No.23194), Son of Samithurai, aged about 34 years, a life convict prisoner confining at Trichy Central Prison in pursuance of Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The present Writ Petition is filed for a writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the respondent No.4 in மு.மு.எண்.11957/த.கு.4/2024, dated 28.07.2024 and quash the same as illegal, consequently direct the Respondent No.4 to grant 6 days



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emergency leave without escort to the petitioner's son by name Sudhakar (CT No. 23194), Son of Samithurai, aged about 34 years, a life convict prisoner confining at Trichy Central Prison in pursuance of Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982.

2. The case of the petitioner is that her son is a life convict prisoner. The petitioner is aged about 52 years and she has been bedridden. She is suffering from severe cardiac problems and have been undergoing continuous treatment and nobody is in her house for taking care of him, therefore, the presence of the petitioner's son is necessary. Hence, she has given a representation to the respondents on 19.07.2024. The fourth respondent has rejected the request of the petitioner on the ground that the appeal is pending before this Court. Challenging the same, the petitioner has filed the present writ petition.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the request of the petitioner was rejected by the fourth respondent on the ground that the appeal is pending before this Court.



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4. Though it is stated that the pendency of appeal is the ground for not granting leave, it will not denude the power of this Court to grant emergency leave.

5. Taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the fourth respondent to grant emergency leave for 6 days to the detenu without escort.

6. In the result,

(i) The writ petition is allowed.

(ii) The impugned order passed by the fourth respondent dated 28.07.2024 is set aside.

(iii) The convict prisoner, namely, Sudhakar (CT No.23194), S/o.Samithurai, aged about 34 years now confining at Central Prison, Trichy, shall be granted emergency leave for six (6) days without escort.



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(iv) He shall sign before the Inspector of Police, Lalgudi Police Station, daily at evening 06.30 p.m., during the leave period.

(v) He shall report back to the Superintendent of Prison, Central Prison, Trichy/fourth respondent on completion of 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.

(viii) No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] [K.R.S., J.]
02.08.2024

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

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- 2.The Director General of Police/
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Copy To

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