



W.P(MD) No.19219 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 17.10.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MS.JUSTICE R. POORNIMA**

W.P(MD) No.19219 of 2024

Santhi

... Petitioner

Vs

1. The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison
and Correctional Services Department,
Madurai Range, Madurai Central Prison Campus,
New Jail Raod, Madurai

2. The Superintendent of Prison
Central Jail,
Madurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to set aside the impugned order in 383/உத.2/2024 dated 30.07.2024 quash the same as bad in law and further direct the respondents 1 and 2 to grant



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ordinary leave for the period of 30 days to the petitioner's brother who is life convict namely Manimaran C.P.No.5723.

For Petitioner : Mr.S.M.A. Jinnah

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor.

ORDER

This petition has been filed in the nature of certiorarified mandamus to set aside the order passed by the first respondent/ Deputy Inspector General of Prison, Madurai dated 30.07.2024 in No. 383/உத. 2/2024, by which order the first respondent had rejected request for grant of ordinary leave for the brother of the petitioner namely Manimaran C.P.No.5723, who is now confined at Central Prison, Madurai.

2. In the order passed by the first respondent, the request for grant of leave had been rejected pointing out that there are two cases pending against the brother of the petiitoner namely in Crime No.529 of 2016 registered by the Silaiman Police Station for the offences under Sections 147,148,341,506(ii) and 302 of IPC and First Information



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Report in Crime No.163 of 2016 registered by the Teppakulam Police Station for the offence under Section 399 of IPC.

3.This Court was more concentrated about the First Information Report in Crime No. 529 of 2016. With respect to the First Information Report in Crime No.163 of 2016, after completion of investigation and filing of final report the case was taken on file in S.C. No.398 of 2023 before the learned Chief Judicial Magistrate, Madurai . With respect to First Information Report in Crime No. 529 of 2016 registered by the Silaiman Police Station it is stated that trial is pending before the Mahila Court, Madurai. It is stated that the accused is in bail in Crime No.529 of 2016. With respect to the trial in S.C. No.398 of 2023 which was pending before the learned Chief Judicial Magistrate, Madurai, it is informed that the brother of the petitioner had been acquitted by judgment dated 14.10.2024.

4. In view of that particular fact the hurdle pointed out in the impugned order no longer survives and the brother of the petitioner is entitled for grant of ordinary leave.



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5. Taking into consideration all these factors, we quash the order of the first respondent dated 30.07.2024 and grant ordinary leave to the brother of the petitioner namely Manimaran, S/o.Rasu Servai, C.P.No.5723 for a period of 21 days without escort commencing from 19.10.2024 @ 11.00 am., to 09.11.2024 @5.00 pm., During the interregnum period the petitioner shall report before the Inspector of Police, Karupaiyurani Police Station everyday at 10.30 a.m., without fail.

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

(C.V.K., J.) (R.P, J.)
17.10.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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Note: Issue order copy on 18.10.2024



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To

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1. The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison
and Correctional Services Department,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai
2. The Superintendent of Prison
Central Jail,
Madurai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Inspector of Police
Karupaiyurani Police Station
Madurai District



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C.V.KARTHIKEYAN, J.
and
R.POORNIMA, J.

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