



W.P (MD) No.19185 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P (MD) No.19185 of 2024

Vijaya

... Petitioner

-VS-

1. The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.
Trichy Range, Trichy – 620 020.

2. The Superintendent of Prison,
Central Jail,
Madurai.

... Respondents

Prayer: Writ 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 bearing No.382/உ.த.2/2024, dated 27.07.2024, quash the same as bad in law and further direct the respondents 1 and 2 to grant ordinary leave for the period of 30 days to



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the petitioner's husband namely Ganesan @ Auto Ganesan C.P.No.5673.

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For Petitioner : Mr.SMA.Jinnah

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

ORDER

The writ petition has been filed in the nature of certiorarified mandamus seeking records relating to an order of 27.07.2024 in No. 382/உ.த.2/2024, passed by the first respondent, the Deputy Inspector General of Prisons, Madurai, whereby, the said first respondent had rejected the representation given by the petitioner by which representation, the petitioner sought 'Ordinary Leave' for a period of 30 days, without escort to her husband, Ganesan @ Auto Ganesan, who is a life convict having No.5673, now detained in Central Prison, Madurai.

2. The petitioner seeks ordinary leave to be granted to her husband since she is suffering from acute cardiac disease. The fact that she is suffering from acute cardiac disease is true and is found out as true by the report of the Probation Officer. Her husband had not taken leave earlier. The only impediment is that there is one more case is pending in which



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he is accused in S.C.No.80 of 2019 in which trial is now underway before the VI Additional Sessions Court at Madurai.

3. In the counter-affidavit, it was also stated that the Special Leave Petition filed before the Supreme Court is pending but that fact is not correct since the Special Leave Petition had been dismissed. This is also clarified by the learned Additional Public Prosecutor, Mr.A.Thiruvadi Kumar.

4. Taking all factors into consideration, particularly the report of the Probation Officer, though the Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982, provides that when there is another criminal case is pending, leave should not be normally granted exercising an extra-ordinary jurisdiction and also taking into consideration the reasons for which leave is sought namely, the acute cardiac disease of the petitioner herein and holding that it would be appropriate that at this critical juncture, the convict is with her at least for a period of ten days, we would grant ordinary leave for 10 days without escort on the following terms:-



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(i) The convict prisoner shall be released from the prison at 10.00 a.m. on 20.08.2024 and he shall return back to the prison at 5.30 p.m. on 30.08.2024;

(ii) During the aforesaid leave period, the convict prisoner shall report before Keerathurai Police Station, Madurai, daily at 10.30 a.m.

5. With the above directions, the Writ Petition is allowed. No costs.

[C.V.K., J.]

[J.S.N.P., J.]

16.08.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral citation: Yes/No

PKN

Note: **Issue order copy today i.e., 16.08.2024.**



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To

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2. The Superintendent of Prison,
Central Jail,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
J.SATHYA NARAYANA PRASAD, J.

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