



W.P(MD) No.19283 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 04.09.2024

CORAM

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

W.P(MD) No.19283 of 2024

Sornam

... 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.

2.The Superintendent of Prison
Palayamkottai Central Jail
Palayamkottai
Tirunelveli District.

... Respondents



W.P(MD) No.19283 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in RO-MDU/192/2024-G2 dated 10.06.2024 quash the same as bad in law and further direction the respondents 1 and 2 to grant ordinary leave for the period of 30 days without escort to the petitioner's son, namely, Manickaraj @ Manraj @ Manro (LCT No.3874), who is convicted in one murder case and languishing jail in Palayamkottai Central Jail for the past seven years.

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

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

ORDER

The petitioner has been filed the present Writ Petition in the nature of Certiorarified Mandamus seeking to set aside the order, dated 10.06.2024 passed by the first respondent, Deputy Inspector General of Prison, Madurai Central Prison Campus, Madurai, and direct the respondents to grant ordinary leave for a period of 30 days without escort



W.P(MD) No.19283 of 2024

to her son Manickaraj @ Manraj @ Manro, life convict prisoner No.3874 and who is now confined at Palayamkottai Central Prison, for the past 7 years.

2. The petitioner had earlier filed W.P(MD)No.2110 of 2024 again seeking leave for the son of the petitioner. The reason at that time given and the reason advanced in the present Writ Petition are one and the same namely, that the petitioner is suffering from illness which requires treatment and also that towards the expenses for such treatment, the small property which she possesses should be sold. It must also be kept in mind that the petitioner is a senior citizen, aged about 70 years and the father of the convict is also quite advanced in age and aged about 80 years. It is stated that the presence of her son would be of much assistance in the time of need. While examining W.P.(MD)No.2110 of 2024, after recording the rival contentions, a Division Bench of this Court had taken a conscious decision to grant ordinary leave for a period of 7 days from 08.04.2024 to 14.04.2024.

3. The learned counsel for the petitioner, however, stated



W.P(MD) No.19283 of 2024

that the petitioner is entitled for 21 days of ordinary leave. The restriction of the same to just 7 days, has now created an opening for him to seek entitlement for the balance 14 days of ordinary leave. The reasons advanced as stated are the same. The petitioner / mother of the convict prisoner is still sick and arrangements will have to be made for selling of the house.

4. The learned Additional Public Prosecutor placed reliance on the report of the Nagercoil Probation Officer, dated 25.11.2023, wherein, on enquiry, the petitioner herein had expressed reluctance to bring the property on sale. But that is a factor which would always be wavering and selling of property would be a decision which might fluctuate depending on the necessities of the family members.

5. The learned counsel is of the firm opinion that the medical condition of the petitioner herein requires funds to be generated and the only manner in which they could be so generated is by selling the small property, which they possesses. But, at any rate, the fact is that the petitioner suffers from medical ailment requiring treatment and



W.P(MD) No.19283 of 2024

treatment which requires expenses to be borne by the family of the petitioner.

6. In view of that particular fact and also the fact that the petitioner was originally eligible for 21 days of ordinary leave and only 7 days of ordinary leave had already been granted, we would exercise our discretion and grant 14 days ordinary leave to the convict prisoner without escort.

7. Accordingly, this writ petition is allowed and the convict prisoner is granted ordinary leave for 14 days, without escort on the following conditions:-

(a) The detenu, Manickaraj @ Manraj @ Manro, S/o.Arumaidas [Convict Prisoner No.3874], now detained in the Central Prison, Palayamkottai, is granted ordinary leave for fourteen (14) days from 09.09.2024 to 22.09.2024.

(b) During the said leave period, he shall report before the Inspector of Police, Vadasery police Station,



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W.P(MD) No.19283 of 2024

Nagercoil, Kanyakumari District, daily twice at 10.30 a.m., and 5.00 p.m., without fail.

(c) The detenu shall be released from the prison at 10.00 a.m., on 09.09.2024 and he shall return back to the prison at 6.00 p.m., on 22.09.2024.

(d) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities,

(e) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

(C.V.K., J.) (J.S.N.P, J.)
04.09.2024

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

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W.P(MD) No.19283 of 2024

To
WEB COPY

- 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.
- 2.The Superintendent of Prison
Palayamkottai Central Jail
Palayamkottai
Tirunelveli District.
- 3.The Inspector of Police,
Vadaseri Police Station,
Kanniyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD) No.19283 of 2024

C.V.KARTHIKEYAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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W.P(MD) No.19283 of 2024

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