



W.P(MD) No.19707 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 10.09.2024

CORAM

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

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Palavesathammal

... Petitioner

Vs

1.The State of Tamil Nadu

Rep. by its Additional Chief Secretary to Government,
Home Department (Prisons)
Secretariat, Chennai

2.The Deputy Inspector General of Prison,
Madurai Zone,
Madurai Central Prison, Madurai- 625 016

3. The Superintendent of Prisons,
Central Prison,
Palayamkottai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned order of the first respondent dated 03.07.2024 in No. 238/UTHA.2/2024 and quash the same and consequently direct the respondents to grant ordinary leave for



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40 days without escort to the petitioner's son Madasamy S/o.Arumugam, Life Convict No. 4227 serving life sentence at Palayamkottai Central Prison.

For Petitioner : Mr.R. Narayanan

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

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking to quash the impugned order dated 03.07.2024 passed by the first respondent in proceedings No. 238/UTHA.2/2024 and to quash the same and to direct the respondents to grant ordinary leave for 40 days without escort for the son of the petitioner Madasamy S/o.Arumugam, Life Convict No. 4227 serving as a life convict in Central Prison, Palayamkottai.

2. In the affidavit filed in support of the petition it had been stated that the petitioner is aged about 64 years and suffering from serious health issues like severe chest pain and urinary infection and she is under continuous treatment. She has stated that her husband is aged about 70 years and not able to support her for treatment. Under those



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circumstances, she has sought leave for her son Madasamy who is life convict and now confined at Central Prison, Palayamkottai and that if leave is granted he would be of assistance to her.

3. It was informed in the previous hearing that the son of the petitioner was involved in yet another case in C.C. No. 400 of 2015 which was pending trial before the learned Judicial Magistrate, Valliyoor.

4. We are informed that the learned Magistrate had pronounced judgment on 06.09.2024 acquitting the son of the petitioner of all charges. Therefore the particular impediment is also not there. .

5. It is also informed by the learned Additional Public Prosecutor for the respondents that the son of the petitioner had served sentence for more than six years.

6. Accordingly the impugned order passed by the first respondent dated 03.07.2024 in No. 238/UTHA.2/2024 is set aside and



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the writ petition is allowed and the life convict prisoner is granted ordinary leave for 28 days without escort on the following conditions:-

(a)The detenu, Madasamy S/o.Arumugam, [Life Convict No. 4227], now detained in the Central Prison, Palayamkottai, is granted ordinary leave for 28 days from 13.09.2024 to 10.10.2024.

(b) During the said leave period, he shall report before the Inspector of Police, Sevanthipatti Police Station, everyday at 10.30 a.m., without fail.

(c)The detenu shall be released from the prison at 10.00 a.m., on 13.09.2024 and he shall return back to the prison at 06.00 p.m., on 10.10.2024.

(d) 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.)
10.09.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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Note: Issue order copy on 11.09.2024



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The State of Tamil Nadu
Home Department (Prisons)
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3. The Superintendent of Prisons,
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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