



WMP(MD). No.16702 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
Civil Appellate Jurisdiction

Monday, the Eighteenth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA  
AND  
The HONOURABLE MR. JUSTICE K. RAJASEKAR

WMP(MD). No.16702 of 2024  
in  
W.P.(MD)No.10041 of 2024

R.Umamagheswari  
W/o. Radhakrishnan

... Petitioner

Vs

1 The State Represented by Its  
The Secretary to the Government of Tamil Nadu,  
Department of Home Fort St. George,  
Chennai 600 009

2 The Director Inspector General of Prison,  
Trichy Range,  
Trichy Central Prison,  
Trichy 620 020

3 The Superintendent,  
Trichy Central Prison,  
Trichy 620 020.

... Respondents



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Prayer :-

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to modify the condition 3 in the order passed by this Honble Court in WP(MD) 10041/2024 dated 11.07.2024 to the detainee, C.Radhakrishnan, S/o.Chinnasamy, age about 41 years Convict no. 22993 detained at Central Prison, Trichy as without escort and pass such further or other orders as this Honble Court.

Prayer in W.P.(MD)No.10041 of 2024:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing No. 106/Mu.Vu./2024 dated 02.04.2024, passed by the 2nd respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 30 days without escort to the detainee, C. Radhakrishnan, S/o. Chinnasamy, aged about 41 years, Convict No. 22993, detained at Central Prison, Trichy.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Ms. K. Akshaya, Advocate for the Petitioner and of Mr. A. Thiruvadi Kumar, Additional Public Prosecutor for the respondents, this Court made the following order:

“This petition has been filed seeking to modify the condition-6(iii) and (iv) imposed in the order dated 11.07.2024 in W.P.(MD)No.10041 of 2024 granting six days emergency leave to the petitioner's husband viz., C.Radhakrishnan (Convict Prisoner No.22993) confined at Central Prison, Trichirapalli, “**with escort**” as one of “**without escort**”.



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2. Though a modification is sought for removal of the condition with regard to escorting, learned counsel for the petitioner would submit that due to the poverty status of the petitioner's family, the insistence of escort charges in advance by the authorities, which the petitioner is unable to comply with and avail the leave as ordered by this court. He would also submit that this Court had been specific in the said condition to the effect that the escort charges shall be borne by the petitioner and **if necessary, the same shall be adjusted from the income earned by the convict during the imprisonment period**, however, the escort charges are demanded in advance and thereby, seeks for a modification of the said condition.

3. In this regard, the learned Additional Public Prosecutor submitted that if the petitioner is unable to bear the escort charges, it will not be insisted in advance and it will be adjusted only from the income earned by the convicted prisoner during the imprisonment period.

4. In view of the above submissions and considering the financial status of the petitioner, the condition No.6(iii) and (iv) imposed by this Court dated 11.07.2024 in

W.P.(MD)No.10041 of 2024 is modified as “**without escort**” and that the petitioner

<https://www.mhc.tn.gov.in/judis>



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shall report before the Annavasal Police Station, Pudukottai District, daily at 10.30a.m. It is made clear that the other conditions imposed by this Court remain unaltered. The writ miscellaneous petition is ordered accordingly.”

Sd/-

Assistant Registrar( C.S-III )

// True Copy //

/12/2024

Sub Assistant Registrar  
(CS- I/ II / III / IV)

TO

1. The Secretary to the Government of Tamil Nadu,  
Department of Home, Fort St. George,  
Chennai 600 009.
2. The Director General of Prisons,  
O/o Tamil Nadu Prisons Headquarters,  
Whannels Road, Egmore,  
Chennai-600 008.
3. The Director Inspector General of Prison,  
Trichy Range,  
Trichy Central Prison,  
Trichy 620 020
4. The Superintendent,  
Trichy Central Prison,  
Trichy 620 020.



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5. The Inspector of Police,  
Annavaasal Police Station,  
Pudukkottai District.

6. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai

Copy to:  
The Section Officer,  
Writ Section,  
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 18/11/2024

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ORDER

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in  
W.P.(MD)No.10041 of 2024

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023