



W.P(MD) No.20518 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 24.10.2024

CORAM

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

W.P(MD) No.20518 of 2024

Rajesh

... Petitioner

Vs

1. The Principal Secretary to Government
Home, Prohibition and Excise(Prison-IV)Department
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 Deputy Inspector General of Prison
Trichy Range,
Race Course Road,
Trichy- 620 020.
4. The Superintendent of Prisons,
Central Prison, Trichy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent vide his proceedings in No.106/௮௨2/2024 dated 22.08.2024 and quash the same as illegal and void and consequently grant 21 days ordinary leave without police escort to the petitioner's father namely Jegadheesh, S/o.Ganesah(Convict Prisoner No.23715) confined at Central Prison, Tiruchirapalli, forthwith by considering the representation dated 27.06.2024.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor.

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking to call for the records of an order dated 22.08.2024 passed by the third respondent in No.106/௮௨2/2024 and quash the same and grant 21 days ordinary leave without escort to the father of the petitioner Jegadheesh, S/o.Ganesah(Convict Prisoner No. 23715) confined at Central Prison, Tiruchirapalli.



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2. A representation had been given on 27.06.2024. In the affidavit filed in support of the petition it had been stated that brother of the petitioner suffering from serious ailments and that though the father of the petitioner was granted emergency leave for three days he could not make sufficient arrangement for the treatment. The brother had also been discharged even before he was completely treated. It had further stated that the dwelling house is in dilapidated condition and requires to be reconstructed. It is further stated that the father of the petitioner is the owner of the plot in S. No.229/9 measuring an extent of 1352sq.ft in Kulamanickam Village, Pullambadi SubDivision , Ariyalur District . It is stated that if leave is granted the father of the petitioner would take efforts to sell the property and that the sale consideration would be much helpful to the family. The said representation had been rejected by the third respondent. In the order, it had been stated that two further cases are pending against the father of the petitioner in C.C.No.229 of 2014 registered by Hastampatti Police Station in Crime No.792 of 2011 and C.C. No.230 of 2014 also registered by the Hastampatti Police Station in Crime No.823 of 2011. It had also been stated that yet another case is



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pending in S.C. No.12 of 2024 before the Principal District and Sessions Court, Ariyalur District.

3. We were concerned about the progress of the Sessions Case and sought a status report from the learned Additional Public Prosecutor.

4. The learned Additional Public Prosecutor had forwarded a status report wherein it had been stated that on 12.10.2024 the accused/father of the petitioner herein had been questioned under Section 313(1)(b) of Cr.P.C and statements have been recorded. It is further stated that the sessions case is now posted to 28.10.2024 for recording evidence of said accused.

5. An affidavit had been independently filed by the father of the petitioner dated dated 23.09.2024 wherein he had undertaken that he will not indulge in tampering the witnesses in S.C. No. 12 of 2024 and also in S.C.No.30 of 2024.



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6. At any rate that eventuality had crossed since the prosecution had examined all their witnesses.

7. Taking into consideration all these factors, we quash the order of the third respondent dated 22.08.2024 and grant ordinary leave to the father of the petitioner namely Jegadheesh, S/o.Ganesah(Convict Prisoner No.23715) for a period of 21 days without escort commencing from 29.10.2024 @ 11.00 am., to 18.11.2024 @5.00 pm., During the interregnum period the father petitioner shall report before the Inspector of Police, Thirumanor Police Station everyday at 10.30 a.m., without fail.

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

(C.V.K., J.) (R.P, J.)
24.10.2024

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

Note: Issue order copy on 25.10.2024

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1. The Principal Secretary to Government
Home, Prohibition and Excise(Prison-IV)Department
Fort.St.George,
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2. The Director General of Prisons
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Trichy- 620 020.
4. The Superintendent of Prisons,
Central Prison, Trichy
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Inspector of Police
Thirumanor Police Station
Ariyalur District



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

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