



W.P(MD) No.22354 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 24.09.2024

CORAM

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

W.P(MD) No.22354 of 2024

Sivasami

... Petitioner/Wife of the detenu

Vs

The State represented by its

1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.

2. The Deputy 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 Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant ordinary leave for 30 days without escort to the detenu, Aarumugam, S/o.Sivaswami, aged 54 years, Convict Prisoner No.22479, confined at Central Prison, Tiruchirappalli.

For Petitioner : Ms.K.Akshaya

for Mr.S.Manoharan

For Respondents : Mr.A.Thiruvadi Kumar,

Additional Public Prosecutor.

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondents to grant ordinary leave for 30 days without escort to the detenu Aarumugam, aged about 54 years, who is convict prisoner No.22479, now confined at Central Prison, Trichy.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner is the father of the convict prisoner and that both the petitioner and his wife are senior citizens of advanced age and suffering from old age ailments and that the presence of their son would be of much comfort to them. It is under those circumstances that they have sought ordinary leave for their son.



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3. This representation had been rejected by the third respondent, Superintendent, Trichy Central Prison, by proceedings, dated 07.08.2024 in மூ.மு.எண்.12311/தகு.4 /2024.

4. When the Writ Petition came up on the earlier occasion, it was contended that the respondents had not served with the copy of the said proceedings on the petitioner.

5. The learned Additional Public Prosecutor had produced an extract of the Tapal Register maintained in Central Prison at Trichy wherein, it is seen that the proceedings had been despatched by registered post on 07.08.2024. The copy of the postal stamped receipts had been enclosed in the extract forwarded to us.

6. The learned counsel for the petitioner stated that very often whenever representations are given and are rejected, the copies of such rejection order have not forwarded to the petitioner to enable them to question the same in appropriate manner before the Court of law. It is also contended that the reasons are also not enclosed.



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7. We had discussion with the learned counsel to find a way out of this and it is stated that it would be appropriate if when representations are given seeking leave for any of the convict prisoners by a close relative, it would only be proper that along with the representation, at least the mobile number of either the person who gives the representation or of any close friends or any trust worthy person is also given in the representation. This would enable the respondents to at least contact the petitioner who had given the representation or their person of trust and inform them about whether the representations had been favourably consideration or not.

8. Apart from this, the issuance of the copy of the proceedings through registered post may continue to be followed by the respondents.

9. We hope that this procedure of forwarding a mobile number would at least give information to the person who gives the representation about the fate of the representation.



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10. In this case, since the representation had been rejected, the Writ Petition stands dismissed. However, giving liberty to the petitioner to challenge the proceedings of the third respondent in appropriate manner.

11. Registry is directed to circulate the copy of this order to
(i).The Director General of Police/ Director General of Prisons and Correctional Services, Whannels Road, Egmore, Chennai-600 008 and
(ii).The Deputy Director General of Prisons (Headquarters), Whannels Road, Egmore, Chennai-600 008, to direct ensurance that the mobile number of the person seeking leave, is given along with the representation.

(C.V.K., J.) (J.S.N.P., J.)
24.09.2024

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



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Copy to :

1. The Director General of Police/
Director General of Prisons and Correctional Services,
Whannels Road,
Egmore,
Chennai-600 008.
2. The Deputy Director General of Prisons (Headquarters)
Whannels Road,
Egmore,
Chennai-600 008.

To

1. The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The Deputy Inspector General of Prison,
Trichy Range,
Trichy Central Prison,
Trichy 620 020.
3. The Superintendent,
Trichy Central Prison,
Trichy - 620 020.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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