



W.P(MD) No.20714 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 30.08.2024

CORAM

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

W.P(MD) No.20714 of 2024

K.Palanisamy

... 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,
Madurai.

2. The Superintendent of Prison,
Central Jail,
New Jail Road,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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Respondents 1 and 2 to extend the ordinary leave to my son from 04.09.2024 to 04.10.2024 for further 30 days by considering the petitioner's representation dated 26.08.2024.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking consideration of a representation, dated 26.08.2024, by which representation, the petitioner sought ordinary leave for his son from 04.09.2024 to 04.10.2024.

2. It is stated that the wife of the petitioner is suffering from heart disease and has to undergo re-surgery. The son of the petitioner, Jothimurugan has been convicted by the learned Special Court for POCSO Act Cases, Dindigul in Spl.S.C.No.108 of 2023 and had been sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.75,000/- for offence under Section 10 of POCSO Act, 2012.



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3. However, the learned Additional Public Prosecutor had forwarded a copy of proceedings in No.E.314950/தஞ.2/2024 dated 28.08.2024 issued by the second respondent, the Superintendent of Prison, Central Prison, Madurai, wherein, it had been observed that leave had been granted on 19.08.2024 by direction of this Court in W.P.(MD)No.17228 of 2024 and that leave period would end on 03.09.2024 and the second respondent has no power to extend the leave period.

4. It only be advisable that the son of the petitioner surrenders on 03.09.2024.

5. As on date, there is no cause. The Writ Petition stands dismissed, however, granting liberty to the petitioner to file an appropriate petition.

(C.V.K., J.) (J.S.N.P, J.)
30.08.2024

Index : Yes / No
Internet : Yes / No
RM

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