



W.P(MD) No.20880 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 03.09.2024

CORAM

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

W.P(MD) No.20880 of 2024

Pushpavalli

... Petitioner

Vs

1. The Additional Director General of Police (Prison)
Chennai

2. The Superintendent of Prison
Central Prison,
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 Respondents to release the petitioner's son namely Kaleeshwaran @ Kalam Kaali S/o. Pandi aged about 24 years on ordinary leave/emergency leave for 15 days to the ear piercing ceremony of the petitioner's grand daughter scheduled on 06.09.2024 at Arulmighu



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Malaiyandi Karuppana Swamy Temple, Valaiyankulam, Tuticorin Bypass, Madurai District by considering the petitioner's representations dated 07.08.2024 and 27.08.2024.

For Petitioner : Mr.J.Sankarapandin

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor.

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction to grant emergency leave to the son of the petitioner for a period of 15 days namely Kaleeshwaran @ Kalam Kaali S/o. Pandi aged about 24 years who had been convicted for the offence under Section 8(c)r/w.20(b)(ii)(C) of NDPS Act by judgement dated 29.02.2024 and sentenced to undergo 14 years rigorous imprisonment and fine of Rs.1,00,000/- by the I Additional Special Court for NDPS, Madurai in C.C. No.324 of 2021.

2. The son of the petitioner, convict prisoner namely Kaleeshwaran @ Kalam Kaali S/o. Pandi is now incarcerated at Central



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Prison, Madurai. The reason for seeking leave is that there is a ear piercing ceremony of the grand daughter of the petitioner/ Sister's son of Kaleeshwaran @ Kalam Kaali S/o. Pandi on 06.09.2024 at Arulmighu Malaiyandi Karuppana Swamy Temple, Valaiyankulam, Tuticorin Bye pass road, Madurai District. The petitioner had given representations dated dated 07.08.2024 and again on 27.08.2024.

3. Mr.A.Thiruvadikumar, learned Additional Public Prosecutor had taken notice on behalf of respondents and on instructions, stated that the son of the petitioner had been convicted for possession of commercial quantity of narcotics drugs and stated that utmost caution should be exercised before considering the grant of emergency leave. It is also contended by the learned Additional Public Prosecutor that the reasons stated is not a reason which is permissible under Rule 6 of Tamil Nadu Suspension of Sentence Rules, 1982 and also stated that the son of the petitioner had been convicted only on 24.02.2024 and he had been a remand prisoner from 04.02.2021. It is arguable whether that period could be taken into consideration or not.



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4. We have carefully considered the rival contentions.

5. In view of the reasons stated that the son of the petitioner is the maternal uncle of the child for whom the ear piercing ceremony is to be held on 06.09.2024 at Arulmighu Malaiyandi Karuppana Swamy Temple, Valaiyankulam, Tuticorin Bye pass road, Madurai District, we would exercise our discretion to grant emergency leave for a period of three days from 05.09.2024 to 07.09.2024. However escort should be provided at the expense of the son of the petitioner. Necessary escort should be provided by the prison authorities. The period of leave would commence in the morning at 11.00 a.m., on 05.09.2024 and the son of the petitioner namely Kaleeshwaran @ Kalam Kaali should surrender before the Central Prison at Madurai at 4.00 pm., on 07.09.2024.



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6. Observing as above, the Writ Petition stands disposed of . No costs.

(C.V.K., J.) (J.S.N.P, J.)
03.09.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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Note: Issue order copy on 04.09.2024

To

1. The Additional Director General of Police (Prison)
Chennai
2. The Superintendent of Prison
Central Prison,
Madurai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.V.KARTHIKEYAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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