



W.P (MD) No.21253 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM:

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

W.P (MD) No.21253 of 2024

Sudharsan

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu, Fort St.George,
Chennai.
2. The Director General of Police/
Director General of Prisons and Correctional Services,
CMDA Towers II, No.1, Gandhi Irvin Road,
Egmore, Chennai.
3. The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant 21 days ordinary leave to the petitioner's father by name Sundararajan (CP.No. 20597) S/o.Rengasamy aged 62 years confining at Trichy Central Prison



W.P (MD) No.21253 of 2024

as convict prisoner for the reason petitioner father has planning to share the petitioner family property and to attend the petitioner son's the ear piercing function on the basis of Rule 20 of the Tamil Nadu Suspension of Sentence Rules, 1982 by considering the petitioner's representation submitted to the respondents dated 23.08.2024 in accordance with law within the time stipulated by this Court.

For Petitioner : Ms.M.Sudharani

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The petitioner is the son of Sundararajan, who is Convict Prisoner No.20597, aged about 62 years and confined at Trichy Central Prison consequent to judgment dated 25.06.2014 by the II Additional District and Sessions Court, Trichy in S.C.No.137 of 2013 by which judgment, the father of the petitioner was found guilty of commission of offence punishable under Section 302 IPC.

2. The father of the petitioner has now suffered imprisonment of 9 years 5 months and 27 days as on 27.04.2024. It is stated that during his entire period of incarceration, he had taken only one day leave. This petition had been filed since it is stated that the



W.P (MD) No.21253 of 2024

paternal aunt of the petitioner, T.Lakshmi, is suffering from several diseases and therefore, it would be of some comfort to her if her brother/father of the petitioner is permitted to be in her side for sometime. It is also stated that the ear piercing function is said to be conducted on 13.09.2024 at Trichy in the residence of the petitioner herein and for that purpose, the petitioner is of the opinion that his father's presence is required.

3. Heard Mr.A.Thiruvadi Kumar, the learned Additional Public Prosecutor, who has also forwarded a written instruction.

4. Taking into consideration the fact that the father of the petitioner had availed just one day Emergency Leave during his entire period of incarceration of 9 years 5 months and 27 days as on 27.04.2024 and also that the reasons advanced have been verified and found to be true and correct, we would exercise our jurisdiction and grant ordinary leave for 21 days without escort under Rule 20 of the Tamil Nadu Suspension of Sentence Rules, 1982, on the following terms:-

(i) The convict prisoner shall be released
from the prison at 10.30 a.m. on 10.09.2024



WEB COPY



W.P (MD) No.21253 of 2024

and he shall return back to the prison at 5.30 p.m. on 30.09.2024;

(ii) During the aforesaid leave period, the convict prisoner shall report before Thuraiyur Police Station, Tiruchirappalli, daily at 10.30 a.m.

(iii) During the aforesaid leave period, the convict prisoner shall stay within the jurisdiction of Thuraiyur Police Station.

5. With the above directions, the Writ Petition is allowed.

No costs.

[C.V.K., J.]

[J.S.N.P., J.]

05.09.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral citation: Yes/No

PKN

Note: Issue order copy today i.e., 05.09.2024.



W.P (MD) No.21253 of 2024

To

WEB COPY

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu, Fort St.George,
Chennai.
2. The Director General of Police/
Director General of Prisons and Correctional Services,
CMDA Towers II, No.1, Gandhi Irvin Road,
Egmore, Chennai.
3. The Superintendent of Prison,
Trichy Central Prison,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P (MD) No.21253 of 2024

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

PKN

W.P (MD) No.21253 of 2024

05.09.2024