



W.P(MD) No.21403 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 26.09.2024

CORAM

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

W.P(MD) No.21403 of 2024

M.Meenal

... Petitioner

Vs

1. The Secretary to Government
Home Department(Prison)
Government of TamilNadu
Secretariat, Fort St. George
Chennai -9
2. The Additional Director General of Police(Prisons)
The Inspector General of POLice
Office of ADGP(Prisons)/I.G of Prisons,
Thalamuthu Natarajan Maaligai
Egmore, Chennai -8
3. The Deputy Inspector General of Prison
Prisons and Correctional Services
Trichy Range, Trichy - 23
4. The Superintendent of Prison
Central Prison,
Trichy



W.P(MD) No.21403 of 2024

5. The Commissioner of Police

Trichy District

(R5suo motu impleaded vide court order

dated 10.09.2024 in WP(MD) No.21403 of 2024) ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent to grant 15 days emergency leave to the petitioner's husband without escort who is confined in Central Prison, Trichy by name Murugappan, S/o. Chinnakannu(convict prisoner No.23799) a life convict for the purpose of attending serious illness of his wife for a period of 15 days based on the petitioner's representation dated 02.04.2024.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor.

ORDER

The writ petition has been filed in the nature of a Mandamus seeking emergency leave to the husband of the petitioner, Murugappan, S/o. Chinnakannu, a life convict, (convict prisoner No.23799) and now confined in Central Prison, Trichy, consequent to the representation given by the petitioner on 02.04.2024.



W.P(MD) No.21403 of 2024

WEB COPY

2. It is contended that the petitioner is suffering from serious illness. The husband of the petitioner had been convicted by judgment dated 02.08.2021 in Spl.S.C. No.30 of 2020 for the offences punishable under Sections 5(m)r/w. 6(l) of POCSO Act, 2012 and sentenced life imprisonment and a fine of Rs.70,000/- i/d to undergo one year simple imprisonment by the Mahila Court, Pudukottai.

3. In the affidavit filed in support of the petition, the petitioner had stated that she had given a representation dated 02.07.2024 seeking emergency leave. It is stated that owing to age, she is suffering from anaemia and requires the comfort of her husband for medical assistance. We had included the Commissioner of Police, Trichy District as fifth respondent and sought counter to be filed as to the nature of escort which are normally provided and the charges for the escort.

4. A perusal of the same shows that for a single prisoner who are at low risk two police constable are normally provided and the charges have also been stated. The same may be provided.



W.P(MD) No.21403 of 2024

WEB COPY

5. Taking into consideration all the factors, we grant emergency leave to the husband of the petitioner with escort for a period of three days commencing from 02.10.2024 to 04.10.2024. The petitioner may be released from prison on 01.10.2024 at 10.30 am., and he shall return back to the prison on 04.10.2024 at 04.00 pm., The charges for the escort would be deducted from the earnings of the petitioner in prison.

6. Observing as above, the Writ Petition stands disposed of .

(C.V.K., J.) (R.P, J.)
26.09.2024

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

Note: Issue order copy on 27.09.2024



W.P(MD) No.21403 of 2024

WEB COPY

- To
1. The Secretary to Government
Home Department(Prison)
Government of TamilNadu
Secretariat, Fort St. George
Chennai -9
 2. The Additional Director General of Police(Prisons)
The Inspector General of POlice
Office of ADGP(Prisons)/I.G of Prisons,
Thalamuthu Natarajan Maaligai
Egmore, Chennai -8
 3. The Deputy Inspector General of Prison
Prisons and Correctional Services
Trichy Range, Trichy - 23
 4. The Superintendent of Prison
Central Prison,
Trichy
 5. The Commissioner of Police
Trichy District
 6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



W.P(MD) No.21403 of 2024

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

aav

W.P(MD) No.21403 of 2024

26.09.2024