



W.P(MD) No.21243 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 12.09.2024

CORAM

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

W.P(MD) No.21243 of 2024

Udhayalakshmi

... 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 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 1 and 2 to grant ordinary leave for the period of 30 days to the son of the petitioner namely Arunpandiyan, S/o. Nagarajan(C.P.No. 6456) who is the convict prisoner in one murder case and languishing in a Central Prison, Madurai for the past 2 ½ years by considering my representation dated 15.08.2024.



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For Petitioner : Mr.S.M.A. Jinnah
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor.

ORDER

The writ petition has been filed in the nature of a Mandamus seeking ordinary leave to the son of the petitioner, Arunpandiyan, Convict Prisoner No. 6456 and now confined in Central Prison at Madurai, consequent to the representation given by the petitioner on 15.08.2024.

2. In the affidavit, it had been stated that the son of the petitioner, Arunpandiyan was convicted by the Principal District and Sessions Court, Virudhunagar District in S.C. No.129 of 2022 for the offences under Sections 341,342,302 and 120(B) of IPC and substantial sentence of life imprisonment and fine of Rs.5000/-. It is stated that the other son of the petitioner, Vetrivel is to be married on 16.09.2024. It is further stated that the husband of the petitioner is suffering from lung disorder and has breathing problem and therefore the presence of other son Arunpandiyan to make arrangement for marriage would be of much assistance to the petitioner herein.



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3. The fact of marriage was sought to be verified. The learned Additional Public Prosecutor had forwarded a report from the Probationary officer at Srivilliputhur and stated that on 16.09.2024 at Sri Andal Thirukovil at Srivilliputhur the marriage had been scheduled to be conducted for the other son of the petitioner N. Vetrivel along with K.Muthulakshmi.

4. Since it is a fact, we would grant emergency leave to the son of the petitioner, Arunpandiyan, C.P.No.6456/Central prison, Madurai for a period of three days with escort effecting from 15.09.2024 to 17.09.2024.

5. The learned Additional Public Prosecutor had raised very strong objection regarding grant of leave without escort and stated that it is a case of retaliation murder and therefore strong escort should be provided. He would also submit that he is in custody from the date of his arrest.



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6. It would further indicate that since emergency leave had been granted he can be granted leave on 14.09.2024 at 11.00 am., and the son of the petitioner namely Arunpandiyar should surrender before the Central Prison, Madurai at 05.00 p.m., on 18.09.2024. However escort should be provided at the expenses of the son of the petitioner. Necessary escort should be provided by the prison authorities.

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

(C.V.K., J.) (J.S.N.P, J.)
12.09.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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Note: Issue order copy on 12.09.2024



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To

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



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