



W.P(MD) No.21656 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 30.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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Rajivgandhi

... Petitioner

Vs

1.The Principal Secretary to Government,
Home, Prohibition and Excise (Prison -IV) Department,
Fort St. George,
Chennai - 600 009.

2.The Director General of Police /
Director General of Prisons and Correctional Services
O/o. Tamil Nadu Prisons Headquarters,
Whannels Road,
Egmore,
Chennai - 600 008.



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3. The Deputy Inspector General of Prisons,
Trichy Range,
Race Course Road,
Trichy - 620 023.

4. The Superintendent of Prisons,
Central Prison,
Trichy 620 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned order passed by the 3rd respondent vide his proceedings in Moo.Mu.No. 106/Mu.Vu/2024 dated 10.08.2024 and quash the same as illegal and void, consequently grant 21 days ordinary leave without police escort to the petitioner, Rajivgandhi, Son of Alagarsamy, aged 31 years, convict Prisoner No.23754, Central Prison, Trichy - 620 020 by considering the petitioner's representation dated 28.05.2024.

For Petitioner : Mr.C.Karthikeyan

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



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ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference in the order of the third respondent/the Deputy Inspector General of Prisons, Trichy - 620 023, dated 10.08.2024 in proceedings No.Moo.Mu.No.106/Mu.Vu/2024, whereby ordinary leave for 21 days was granted to the petitioner, Rajivgandhi, Son of Alagarsamy, who is convict Prisoner No.23754, and now confined at Central Prison, Trichy, but seeking deletion of the condition that said leave should be granted with police escort.

2. The petitioner seeks leave to be granted without police escort. A representation had been given on 28.05.2024.

3. A counter affidavit has been filed by the fourth respondent, Superintendent of Prisons, Central Prison, Trichy, wherein, it has been stated that the petitioner herein had been convicted for offences under Sections 363 IPC and 5(l) r/w. 6 of POCSO Act for life imprisonment and fine for the substantial offence. It had been stated that



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on appeal, the sentence of life imprisonment had been reduced to 20 years Rigorous Imprisonment by Division Bench of this Court in CrI.A(MD)No.354 of 2021, by order dated 21.04.2022. This was further questioned before the Hon'ble Supreme Court in S.L.P.(CrI)No.47592 of 2023 had been dismissed on 03.01.2024. It had been stated that the victim girl had married another person and is residing at Trichy District. It was also stated that there was a possibility of trouble between the petitioner and the victim, if the petitioner is granted leave without escort.

4. But however, we have taken notice of the fact that the petitioner is the resident of Pudukottai District and the victim has now married and is now residing at Trichy District. In such circumstances, we sought an affidavit to be filed by the petitioner that he would not interfere with the peace of the victim. Accordingly, an affidavit had been filed and in which, it had been stated as follows by the petitioner :

“13.I submit that eventually on 23.09.2024, when the above Writ Petition came up for hearing, this Hon'ble Court had perused the report of the jurisdictional Police and satisfied that the Victim girl was married and resides at her Matrimonial



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Home which is 67.7 km away from my residence. Nevertheless, this Hon'ble Court was pleased to have the said Writ Petition for consideration 30.09.2024, in order to file this undertaking affidavit.

14. I humbly submit that I hereby undertake that I will not partake in any activity which is not connected to the grounds sought for in this Writ Petition. Further, I will not indulge in any activities disturbing the Victim girl of the criminal case I was convicted, in any manner. I will not visit either her or her parents or relatives. Further, I will not commit any further offences during the ordinary leave.

15. I most humbly give an undertaking that I will not abscond or evade due process of law. I will duly surrender before the 4th respondent prison on expiry of ordinary leave. I am ready to abide by the conditions during the ordinary leave that imposes by this Hon'ble Court. In addition, I am ready to produce adequate sureties for the grant of ordinary leave. If any breach of this Undertaking Affidavit filed before this Hon'ble Court, I am ready to undergo appropriate punishment in addition to my regular sentence.”



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5. Taking into consideration the undertaking given by the petitioner that he would not indulge in any activity disturbing the victim, we would grant ordinary leave to the petitioner and interfere with the order of the third respondent that such leave should be with police escort and rather modify the same and grant 21 days ordinary leave from 04.10.2024 to 24.10.2024 without police escort. But however, we would further direct the petitioner to appear and sign before the Inspector of Police, Mathur Police Station at Pudukottai District, everyday at 10.30 a.m., during the period of leave.

6. Accordingly, this writ petition is allowed and the convict prisoner is granted ordinary leave for 21 days, without escort on the following conditions:-

(a) The detenu, Rajivgandhi, Son of Alagarsamy, [Convict Prisoner No.23754], now detained in the Central Prison, Trichy, is granted ordinary leave for twenty one (21) days from 04.10.2024 to 24.10.2024.

(b) During the said leave period, he shall report before the Inspector of Police, Mathur police Station,



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Pudukottai District, daily at 10.30 a.m., from
05.10.2024 onwards, without fail.

(c) The detenu shall be released from the prison at
10.00 a.m., on 04.10.2024 and he shall return back to
the prison at 5.00 p.m., on 24.10.2024.

(d) The petitioner shall produce all necessary
documents, along with a copy of this order, before the
jail authorities,

(e) During the leave period, the convict prisoner
shall abide by all the conditions prescribed in the Jail
Manual.

(C.V.K., J.) (R.P., J.)
30.09.2024

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

RM



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