



W.P(MD) No.21987 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P(MD) No.21987 of 2024

V.Merlin Suhirthabell

... Petitioner

Vs

1. The State of Tamil Nadu
Represented by its, the Deputy Inspector
General of Prison,
Madurai Zone,
Madurai Central Prison,
Madurai - 625 016.

2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli - 627 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling



W.P(MD) No.21987 of 2024

for records pertaining to the impugned order of the 1st Respondent dated 22.08.2024 in No.468/UTHA.2/2024 and quash the same and consequently directing the Respondents to grant ordinary leave for 40 days without escort to petitioners husband, the life convict prisoner namely, Bright S/o.Johnson, Convict No.3899, serving his life sentence at Palayamkottai Central Prison.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2.The wife of the convict prisoner, Bright S/o.Johnson, Convict Prisoner No.3899, is the writ petitioner herein. She applied for ordinary leave on behalf of her husband. It was rejected by the first respondent vide order dated 22.08.2024. Questioning the same, this writ petition has been filed.



W.P(MD) No.21987 of 2024

3. Two reasons have been set out in the impugned order. The first reason is that since the petitioner's children are presently studying in a Government School, it is not necessary for the life convict to come out for the purpose of mobilising funds regarding their education. The second reason is the pendency of C.C.No.409 of 2022 on the file of the Judicial Magistrate, Boothapandi.

4. The learned counsel for the petitioner points out that the said case has ended in acquittal on 26.09.2024. Even though the said development took place subsequent to the passing of the impugned order, we are obliged to take note of the same.

5. It is true that the petitioner's children are studying only in a Government School. But then the purpose of granting ordinary leave is to break the monotony of prison life and to enable the convict to be with his family at least for a brief while. It is for this reason, we set aside the impugned order. We direct the respondents to grant 21 days ordinary leave to the convict prisoner (husband of the petitioner herein). During this period, the convict is directed to sign before the Inspector of Police,



W.P(MD) No.21987 of 2024

Aralvaimozhi Police Station, Kanyakumari, daily at 10.00 a.m. The convict shall have leave without escort.

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

(a) The convict prisoner, Bright, son of Johnson [Convict Prisoner No.3899], now detained in the Central Prison, Palayamkottai, is granted ordinary leave for twenty one (21) days from 08.11.2024 to 28.11.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 08.11.2024 and he shall return back to the prison at 5.00 p.m., on 28.11.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Aralvaimozhi Police Station, Kanyakumari, daily at 10.00 a.m., from 09.11.2024 onwards, without fail.

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



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W.P(MD) No.21987 of 2024

7.With the above direction, the Writ Petition stands allowed.

(G.R.S., J.) (R.P., J.)
05.11.2024

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

RM



W.P(MD) No.21987 of 2024

To

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1. The State of Tamil Nadu
Represented by its, the Deputy Inspector
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Madurai Zone,
Madurai Central Prison,
Madurai - 625 016.
2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli - 627 002.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari,



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W.P(MD) No.21987 of 2024

G.R.SWAMINATHAN, J.
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RM

W.P(MD) No.21987 of 2024

05.11.2024