



W.P(MD)No.21545 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED : 11.11.2024

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

W.P(MD)No.21545 of 2024

Murugeshwari

... Petitioner

**Vs.**

1.The Additional Director General of Police (Prison),  
Chennai.

2.The Superintendent of Prison,  
Central Prison, Madurai.

3.The Commissioner of Police,  
Madurai City.

... Respondents

*(R3 is suo motu impleaded vide order dated  
11.09.2024 in W.P.(MD)No.21545 of 2024 by  
CVKJ & JSNPJ)*

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to release the petitioner's son namely Marimuthu @ Dorimani, S/o.Muniasamy on ordinary leave/emergency leave for 30 days for taking treatment in a private hospital for his disability in his left leg due to the bone fracture forthwith by considering the petitioner's representation dated 22.08.2024.



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For Petitioner : Mr.J.Sankarapandian

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

### **ORDER**

**(Order of the court was delivered by G.R.Swaminathan, J.)**

Heard both sides.

2.The petitioner is the mother of the convict (Convict No.1261).

The petitioner states that her son has suffered fracture in the left leg and that it has not been healed properly. Therefore, she seeks ordinary leave so that she can give treatment in a private hospital.

3.Counter affidavit has been filed by the third respondent. It is seen therefrom that the petitioner's son was involved in as many as 34 cases. Of course, quite a few of them have ended in acquittal. But many of them are still either under investigation or pending trial.



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4.The petitioner's son has been convicted in two NDPS cases involving commercial quantity. Such persons are not eligible for grant of ordinary leave. Our attention was drawn to Rule 21(a) of the Tamil Nadu Suspension of Sentence Rules, 1982.

5.However, taking note of the overall facts and circumstances, we direct the second respondent to ensure that the petitioner's son is given proper treatment in Rajaji Government Hospital, Madurai.

6.With the aforesaid direction to the second respondent, this writ petition is dismissed. No costs.

**(G.R.S. J.) & (R.P. J.)**  
**11.11.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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To:-

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3.The Commissioner of Police,  
Madurai City.

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



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and  
R.POORNIMA, J.**

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