



W.P (MD) No.21688 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM:

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

W.P (MD) No.21688 of 2024

Dhanalakshmi

... Petitioner

-VS-

1. The State Rep. by its
The Principal Secretary to Government,
Home, Prohibition & Excise (Prison - IV) Department,
Fort St.George, Chennai – 600 009.
2. The Director General of Prisons and Correctional
Services,
O/o. Tamil Nadu Prisons Headquarters,
Whannels Road, Egmore, Chennai – 600 008.
3. The Deputy Inspector General of Prisons,
Trichy Range, Race Course Road,
Trichy – 620 023.
4. The Superintendent,
Central Prison,
Trichy – 620 020.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,



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to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing No.106/Mu.Vu./2024, dated 02.09.2024, passed by the third respondent and quash the same as null and void and consecutively direct the respondents to grant ordinary leave for 28 days without police escort to the petitioner's husband, Senthilmurugan, S/o.Subbiah, (Convict Prisoner No.16321 & PID No. 37119) confined at Central Prison, Trichy, forthwith considering the petitioner's representation dated 15.07.2024.

For Petitioner : Mr.C.Karthikeyan

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

ORDER

The writ petition has been filed in the nature of certiorarified mandamus seeking records relating to an order of the third respondent, the Deputy Inspector General of Prisons, Trichy Range, Trichy, dated 02.09.2024 in proceedings No.106/Mu.Vu./2024 and quash the same and grant 28 days of Ordinary Leave without police escort to the husband of the petitioner, Senthilmurugan, who is Convict Prisoner No.16321 and PID No.37119 and confined at Central Prison, Tiruchirappalli.



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2. The petitioner had given a representation on 15.07.2024. the issue had come up earlier before this Court and in W.P. (MD) No. 20589 of 2024, this Court had directed the respondents to pass necessary orders on the representation dated 15.07.2024. Subsequently, the third respondent had passed the order which is sought to be impugned in the present writ petition rejecting the representation of the petitioner herein.

3. The primary ground on which the third respondent had exercised that jurisdiction is that the husband of the petitioner who had been granted leave in the year 2010, had for the reasons best known to him, absconded from judicial process necessitating registration of FIR in Crime No.864 of 2010 for offence punishable under Section 224 IPC and he had also been convicted for that offence also. It is for that reason he is not only a Convict Prisoner No.16321 but also PID No.37119 and that he is now confined at Central Prison, Tiruchirappalli.

4. However, the learned Counsel for the petitioner pointed out that subsequently, the husband of the petitioner had been granted leave by Coordinate Benches of this Court and as an illustration has



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pointed out that the order in W.P. (MD) No.20720 of 2023, dated 08.09.2023, where a Division Bench of this Court had granted Ordinary Leave for 40 days to the husband of the petitioner herein.

5. The reasons for which leave is now sought is to make arrangements for the education of the children of the petitioner and also to get widow's destitute certificate for the wife of the younger brother of the husband of the petitioner. A report had been obtained from the Probation Officer, who had confirmed the reasons.

6. Mr.A.Thiruvadi Kumar, the learned Additional Public Prosecutor however pointed out to the earlier escapade of the petitioner and stated that necessary safeguards should be put in place to ensure that the husband of the petitioner does not abscond from judicial process again.

7. Taking into consideration his conduct after the year 2010 and also the fact that the reasons are found to be genuine necessitating leave to be availed by him, we exercise our jurisdiction and quash the order of the third respondent and grant 28 days Ordinary Leave to the



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husband of the petitioner/Senthilmurugan (Convict Prisoner No.16321 and PID No.37119) without escort on the following terms:-

(i) The convict prisoner shall be released from the prison at 10.00 a.m. on 13.09.2024 and he shall return back to the prison at 5.30 p.m. on 10.10.2024;

(ii) During the aforesaid leave period, the convict prisoner shall report before Perambalur Police Station, Trichy, twice daily at 10.30 a.m and 05.30 p.m.

8. With the above directions, the Writ Petition is allowed. No costs.

[C.V.K., J.]

[J.S.N.P., J.]

11.09.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No

PKN

Note: Issue order copy today i.e., 11.09.2024.



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To

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Madurai Bench of Madras High Court,
Madurai.



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and
J.SATHYA NARAYANA PRASAD, J.

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