



W.P(MD) No.21955 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 16.10.2024

CORAM

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

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Periyasamy

... Petitioner

Vs

1.The Director General of Prisons,
Directorate of the Central Prison,
Tamil Nadu Prison,
Whannels Road,
Egmore, Chennai - 600 008.

2. The Deputy Inspector General of Prisons,
Madurai Range,
Madurai Central Prison Campus,
Madurai City - 625 016.

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai City - 625 016.

... Respondents



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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 No.6109/ThaKu2/2024 dated 04.08.2024 with endorsement dated 05.09.2024 and quash the same as illegal and consequently, direct the 3rd respondent to grant leave to the petitioner's son Arun, son of Periyasamy, a life convict prisoner in C.P.No.6109, confined at the Central Prison, Madurai, forthwith without escort.

For Petitioner : Mr.J.Vijayaraja

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

ORDER

The Writ Petition has been filed by the father of the convict prisoner, Arun, who is a life convict prisoner in C.P.No.6109 and now confined at the Central Prison, Madurai, in the nature of a Writ of Certiorarified Mandamus to quash the order passed by the 3rd respondent/ Superintendent of Prison, Madurai Central Prison, Madurai, dated



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04.08.2024 in No.6109/ThaKu2/2024 and grant emergency leave to the son of the petitioner, since the wife of the petitioner / mother of the convict prisoner is suffering from advanced stage of cancer.

2. The son of the petitioner, had been convicted for life imprisonment till his natural life consequent to judgment in S.C.No.31 of 2019 by the III Additional District Court/ Special Court for PCR Cases, Madurai, by judgment dated 08.03.2022. He had been convicted for offences punishable under Sections 120(b) r/w.302 IPC and r/w.3(2)(v) of SC/ST (POA) Act. A Criminal Appeal had been filed before this Court in CrI.A.(MD)No.233 of 2022 and the conviction had been upheld on 02.06.2023 and further appeal is now pending before the Hon'ble Supreme Court.

3. A report had been obtained from the Probationary Officer, wherein, it has been stated as a fact the mother of the convict prisoner is suffering from cancer and that now she is admitted at Shanmuga Cancer Centre at Salem.



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4. Since the fact stated has been verified as correct, we are inclined to exercise our jurisdiction and quash the order of the third respondent. We are of the opinion that the son of the petitioner, Arun, [Convict Prisoner No.6109], now detained in the Central Prison, Madurai, can be granted emergency leave for six days from 18.10.2024 at 10.00 a.m. to 23.10.2024 at 5.00 p.m., however, with escort.

5. The Superintendent of Prison, Central Prison, Madurai, may exercise his discretion as to the nature of the escort to be provided taking into consideration the sensitivity of the case in which the son of the petitioner was involved.

6. Accordingly, the convict prisoner is granted emergency leave for 6 days with escort on the following conditions :-

(a) The convict prisoner, Arun, S/o.Periyasamy, [Convict Prisoner No.6109], now detained in the Central Prison, Madurai, is granted emergency leave for six (6) days from 18.10.2024 to 23.10.2024.

(b) The convict prisoner shall be released from



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the prison at 10.00 a.m., on 18.10.2024 and he shall return back to the prison at 5.00 p.m., on 23.10.2024.

(c)The third respondent is directed to provide escort to the convict from the Central Prison at the time when he leaves the prison and till such time, he is taken back to the prison. It is clarified that the cost involved in providing escort shall be borne by the petitioner.

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

7. With the above direction, the Writ Petition stands disposed of.

(C.V.K., J.) (R.P., J.)
16.10.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM

Note : Issue order copy on 16.10.2024



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Madurai Bench of Madras High Court,
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