



W.P(MD) No.21855 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 21.10.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MS.JUSTICE R.POORNIMA**

W.P(MD) No.21855 of 2024

Karthick

... Petitioner

Vs

1. The Secretary to Government,
Home Department (Prison),
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai - 600 009.

2. The Additional Director General of Police (Prisons)/
The Inspector General of Police,
Office of ADGP (Prisons)/ I.G. Of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore, Chennai -8.



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3. The Superintendent,

Central Prison,

Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to grant one month emergency leave without escort to the petitioner's father, namely, Nataraj S/o. Andiappan, a life convict prisoner (life convict No.6052), now confined at Central Prison, Madurai, for the purpose of attending serious illness of petitioner's grandfather namely Andiappan and to carry out rituals relating to death ceremony of petitioner's deceased mother for a period of one month by considering the petitioner's representation, dated 03.09.2024.

For Petitioner : Mr.S.Srikanth

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



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ORDER

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This writ petition came up for consideration earlier, on 14.10.2024, on which date, we had passed the following order:

“This Writ Petition has been filed in the nature of a Writ of Mandamus seeking one month emergency leave without escort to the father of petitioner, Nataraj, who is life Convict Prisoner No.6052, confined at Central Prison, Madurai, to his father/grandfather of the petitioner, who is suffering from serious illness.

2.The father of the petitioner had been convicted for offence punishable for the substantial offence under Section 302 IPC and sentenced to undergo life imprisonment and pay a fine of Rs.10,000/- in default, one year simple imprisonment, by judgment of the Additional Sessions Court at Dindigul in S.C.No.58 of 2019 by judgment, dated 01.04.2021. That particular conviction and sentence has been upheld by the Division Bench of this Court in Crl.A.(MD)No.260 of 2021, but the substantial offence punishable under Section 302 IPC had been modified into offence punishable under Section 304(1) IPC by judgment dated 13.12.2023.

3.A report from the Probation Officer had been forwarded by the learned Additional Public Prosecutor. According to same, it is a fact that the grandfather of the



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petitioner is actually suffering from serious illness. It is also seen that the convict had undergone imprisonment for more than 3 years which is the statutory period to be undergone to consider grant of leave.

4.In view of all these circumstances, initially, we would grant ordinary leave for 5 days to the father of the petitioner, Nataraj [Convict Prisoner No.6052], now detained in the Central Prison, Madurai, with one escort which would commence from 18.10.2024 to 22.10.2024.

5.Accordingly, the convict prisoner is granted ordinary leave for 5 days with escort on the following conditions:-

(a)The convict prisoner/ Nataraj [Convict Prisoner No.6052], son of Andiappan, now detained in the Central Prison, Madurai, is granted ordinary leave for five (5) days from 18.10.2024 to 22.10.2024.

(b)The detenu shall be released from the prison at 10.00 a.m., on 18.10.2024 and he shall return back to the prison at 6.00 p.m., on 22.10.2024.

(c)The third respondent is directed to provide minimum 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.



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(d) The charges of the escort may be adjusted towards the earnings of the convict prisoner during his period of confinement at Central Prison, Madurai.

6. List the matter again on 21.10.2024. On that date, if the escort is found to be not required, then we would modify that particular condition.

7. List the matter again on 21.10.2024.”

2. We are now informed by the learned Additional Public Prosecutor that escort had been provided and with the conduct of the petitioner and the father of the petitioner had not come to any adverse notice of the escort and the conduct could not be faulted.

3. In view of that particular observation made, we would extend the leave for further period of 16 days on and from 23.10.2024 till 07.11.2024, however, without escort to the father of the petitioner. The father of the petitioner has to sign before the Sanarpatti Police Station, Dindigul District, every day at 10.30 am during the period of leave.



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(C.V.K., J.) (R.P, J.)
21.10.2024

LS

Note: issue order copy on 21.10.2024

To

1. The Secretary to Government,
Home Department (Prison),
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai - 600 009.

2. The Additional Director General of Police (Prisons)/
The Inspector General of Police,
Office of ADGP (Prisons)/ I.G. Of Prisons,
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3. The Superintendent,
Central Prison,
Madurai.

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



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and
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