



W.P(MD) No.21945 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**

W.P(MD) No.21945 of 2024

Ramachandran

... Petitioner

Vs

1.The Additional Director General of Police (Prison),
Chennai - 600 008.

2.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, directing the respondents to release the petitioner's brother Selvaguru, son of Mookkaiah (C.P.No.5547 - Central Prison, Madurai) on ordinary



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leave/emergency leave for 30 days to attend the 16th day of funeral ceremony on 18.09.2024 and to make arrangements of settling the joint property by way of partition by considering the petitioner's representation dated 10.09.2024.

For Petitioner : Mr.M.Jegadeesh Pandian
For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

ORDER

The Writ Petition has been filed in the nature of a Writ of Mandamus seeking direction against the respondents to release the brother of the petitioner, Selvaguru, who is Convict Prisoner No.5547 and now confined at Central Prison in Madurai, on ordinary leave for 30 days to attend the 16th day of funeral ceremony on 18.09.2024 and to make arrangements to settle the joint property by way of partition. A representation had been given on 10.09.2024.

2. With respect to the attendance for the funeral ceremony interim order had been passed granting emergency leave. However,



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learned counsel for the petitioner stated that the property of the family of the petitioner will have to be settled by way of partition and therefore, sought further leave.

3. A report had been obtained from the Probationary Officer, wherein, that particular reason had been stated to be correct and the name of the advocate who was mediating among the family members had also been mentioned.

4. Taking all factors into consideration, though it is contended that on behalf of the respondents that the petitioner had been convicted for offence punishable under Sections 302 r/w 148 and 506(ii) IPC and which had been confirmed in Criminal Appeal in CrI.A. (MD)No.151 of 2016, by judgment dated 20.09.2019, taking into consideration that leave had been granted on earlier occasion and the petitioner had always complied with the conditions imposed therein, we would exercise our jurisdiction and grant ordinary leave to the brother of the petitioner, Selvaguru, [Convict Prisoner No.5547], now detained in the Central Prison, Madurai, for a period of fourteen days (14) days



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without escort, which would commence from 21.10.2024 at 10.00 a.m.
till 03.11.2024 at 5.00 p.m.

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

(a) The convict prisoner, Selvaguru, son of Mookkaiah [Convict Prisoner No.5547], now detained in the Central Prison, Madurai, is granted ordinary leave for fourteen (14) days from 21.10.2024 to 03.11.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 21.10.2024 and he shall return back to the prison at 5.00 p.m., on 03.11.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Virudhunagar Rural Police Station, Virudhunagar, daily at 10.30 a.m., from 22.10.2024 onwards, without fail.

(d) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities,



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(e) 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



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To

WEB COPY

1.The Additional Director General of Police (Prison),
Chennai - 600 008.

2.The Superintendent,
Central Prison,
Madurai.

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

Copy to

The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar,



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AND
R.POORNIMA, J.

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