



W.P(MD) No.22422 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.22422 of 2024

Karthtika

... Petitioner

Vs

1. The Secretary to Government
Home Department(Prison)
Government of Tamil Nadu
Secretariat, St. George Fort,
Chennai
2. The Additional Director General of Police
The Inspector General of Police
Office of ADGP (Prisons)/I.G.of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore,Chennai- 8
3. The Deputy Inspector General of Prisons,
Prisons and Correctional Services Department,
Madurai Range,
Madurai
4. The Superintendent of Prison,
Central Prison,
Madurai

... 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, to call for the records in respect of the impugned order passed by the fourth respondent in No.E322570/tha.ku.2/2024 dated 05.09.2024 and quash the same and consequently direct the respondents to grant one month emergency leave without escort to the petitioner's husband namely Selvaraj, S/o.Duraisamy a life convict prisoner (C.P.No.6108) now confined at Central Prison, Madurai for the purpose of attending serious illness of his mother and further to arrange medical expenses for his mother.

For Petitioner : Mr.S.Srikanth

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

ORDER

The Writ Petition has been filed in the nature of a Writ of Certiorarified Mandamus seeking to call for the records of the orders passed by the fourth respondent/Superintendent of Prison, Central Prison, Madurai dated 05.09.2024 in No.E322570/tha.ku.2/2024 and quash the same and grant emergency leave to the husband of the petitioner namely Selvaraj, S/o.Duraisamy a life convict prisoner (C.P.No.6108) now confined at Central Prison, Madurai.



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2. The reason for grant of leave is that the mother of the convict prisoner Palaniammal is seriously ill. The representation had been rejected by the fourth respondent. It is seen from the records that the husband of the petitioner had been convicted in Spl.S.C. No.31 of 2019 by the learned III Additional District and Sessions Judge, Special Court of SC and ST (PCR) Act Cases, Madurai for the offence punishable under Section 120(B)r/w.302 of IPC r/w.Section 3(2)(v) of SC/ST Act and sentenced life imprisonment till death and fine of Rs.5000/- i/d three years Rigorous imprisonment and sentenced to undergo life imprisonment and fine of Rs.5000/-i/d to under go three years rigorous imprisonment for the offence under Section 364 of IPC r/w.Section 3(2)(v) of SC/ST Act vide judgment dated 08.03.2022. Appeal had been filed before this Court in CrI.A(MD) No.233 of 2022 and the same had been dismissed with slight modification in the sentence. A further appeal is pending before the the Hon'ble Supreme Court.

3. With respect to the ailment of the mother of the convict prisoner, Palaniammal, we have sought for a report from the Probationary Officer who stated that it is a fact that the mother of the convict prisoner



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is suffering from various ailments including in lungs, depression and also eye sight . She is treated in Surya Hospital under Dr. Prakash as out patient.

4. Since the fact stated has been verifies has been correct, we are inclined to exercise our jurisdiction and quash the order of the fourth respondent, we are of the opinion that the husband of the petitioner namely Selvaraj, S/o.Duraisamy a life convict prisoner (C.P.No.6108) now confined at Central Prison, Madurai, can be granted emergency leave for three days from 18.10.2024 at 10.00 a.m. to 20.10.2024 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 husband of the petitioner was involved.



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6. Accordingly, the convict prisoner is granted emergency leave for 3 days with escort on the following conditions :-

(a)The convict prisoner, Selvaraj, S/o.Duraisamy, [Convict Prisoner No.6108], now detained in the Central Prison, Madurai, is granted emergency leave for three (s) days from 18.10.2024 to 20.10.2024.

(b) The convict prisoner shall be released from 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 20.10.2024.

(c)The fourth 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.



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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

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Note : Issue order copy on 17.10.2024

To

1. The Secretary to Government
Home Department(Prison)
Government of Tamil Nadu
Secretariat, St. George Fort,
Chennai
2. The Additional Director General of Police
The Inspector General of Police
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4. The Superintendent of Prison,
Central Prison,
Madurai

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



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