



W.P(MD) No.22708 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P(MD) No.22708 of 2024

P.Pauline

... Petitioner

Vs

1. The State of Tamil Nadu

Represented by the Secretary to Government,
Home (Prison-IV) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Additional Director General of Police (Prisons),
Inspector General of Prisons,
CMDA Tower - II,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.



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3. The Deputy Inspector General of Prisons and Correctional Services,
Madurai Range,
Madurai Central Prison Campus,
Madurai - 625 016.

4. The Superintendent of Prison,
Central Prison,
Madurai.

5. The Inspector of Police,
K.Pudur Police Station,
Madurai District.

... Respondents

(R5 is Suo Motu Impleaded Vide Court Order
dated 03.10.2024 passed in W.P(MD)No.22708 of 2024).

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 records pertaining to the impugned order passed by the 3rd respondent in order No.48/Vu.tha2/2024 dated 12.09.2024 and quash the same and consequently direct the 3rd respondent to grant ordinary leave without police escort for 30 days to petitioner's son namely, Arogya



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Prabhu, S/o.Panner Selvam, aged about 40 years, who is confined at
Central Prison, Madurai.

For Petitioner : Mr.R.Karthick
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2.The petitioner's son, Arogya Prabhu, S/o.Panner Selvam,
Convict Prisoner No.5848 is undergoing life imprisonment at Central
Prison, Madurai.

3. It is not in dispute that the petitioner is having cardiac
related issues. Therefore, the petitioner applied to the respondents for
grant of 30 days ordinary leave for her son. The proposal sent in this



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regard was rejected by the third respondent herein. Questioning the rejection order dated 12.09.2024, this writ petition has been filed.

4.The petitioner's son is in prison for more than 6 years. The ground on which leave is sought appears to be genuine. In this view of the matter, the impugned order is set aside. The respondents are directed to grant 12 days ordinary leave to the petitioner's son.

5.Since the petitioner is facing two other criminal cases, we direct that the petitioner shall be let out on leave only under single escort. The cost of providing escort will have to be necessarily deducted out of the earnings of the convict.

6.Accordingly, the convict prisoner is granted ordinary leave for 12 days with one escort on the following conditions :-

(a)The convict prisoner, Arogya Prabhu, S/o.Panner Selvam [Convict Prisoner No.5848], now detained in the Central Prison, Madurai, is granted ordinary leave for twelve (12) days from 08.11.2024 to 20.11.2024.



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(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 08.11.2024 and he shall return to the prison at 5.00 p.m., on 20.11.2024.

(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 returns to the prison. It is clarified that the cost involved in providing escort shall be deducted from out of the earnings of the convict.

(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 allowed.

(G.R.S., J.) (R.P., J.)
05.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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Madurai Bench of Madras High Court,
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