



W.P(MD) No.22761 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 03.10.2024

CORAM

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

W.P(MD) No.22761 of 2024

Aasaithambi

... Petitioner

Vs

1. The Deputy Inspector General of Prison
Trichy Range, Race Course Road,
Tiruchirapalli.
2. The Superintendent of Prison
Central Prison,
Thiruchirapalli

... Respondents

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 first respondent vide his proceedings in No.446/Mu.Vu/2024 dated 08.09.2024 and quash the same as void and illegal and consequently grant 28 days ordinary leave without police escort to the petitioner



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Aasaithambi, son of Marudhamuthu, Convict Prisoner No. 15723 (PID No. 3266) confined at Central Prison, Tiruchirapalli- 620020 forthwith considering the representation dated 25.07.2024.

For Petitioner : Mr.C. Karthikeyan

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor.

ORDER

This petition has been filed in the nature of certiorarified mandamus seeking to set aside an order of the first respondent/ Deputy Inspector General of Prisons, Trichy Range, Trichy vide proceedings No.446/Mu.Vu/2024 dated 08.09.2024 and grant 28 days ordinary leave without police escort to the petitioner namely Asai Thambi, Convict Prisoner No.15723 (PID No. 3266) and now confined at Central Prison, Tiruchirapalli.

2. The petitioner had given a representation 25.07.2024 and the same had been rejected by way of the impugned order dated 08.09.2024. In the affidavit filed in support of the petition it is stated that



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petitioner had been convicted subsequent to trial in S.C. No.133 of 2006 conducted by the Additional Sessions Court/Fast Track Court No.II, Pattukottai for the offence punishable under Section 302 of IPC and sentenced to undergo life imprisonment. He had filed an appeal. The appeal had been dismissed and the sentence had been upheld. It is stated that he had undergone 11 years and 6 months imprisonment. He has last gone on leave between 02.09.2023 and 01.10.2023. This representation was rejected by an impugned order on the ground that one year period was not completed from the expiry of last date of the previous leave. As on date/ 03.10.2024 the said one year period has expired.

3. We had also sought for report from the Probationary Officer regarding the reason which he had advanced, namely he had to provide medical treatment for his daughter and also to make arrangement relating to redeeming the agricultural land which had been mortgaged.



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4. A report of the Probationary Officer had been placed before us.

It is found that the reasons stated are genuine.

5. Taking into consideration all these factors and also taking into consideration the fact that one year period had been lapsed from the date of leave period which expired on 01.10.2024 and as on date /03.10.2024 he is eligible for leave. In view of the same, we quash the order of the first respondent dated 08.09.2024 and grant ordinary leave to the petitioner namely Aasaithambi, son of Marudhamuthu, Convict Prisoner No. 15723 (PID No. 3266) for a period of 28 days without escort commencing from 15.10.2024 @ 11.00 am., to 12.11.2024 @5.00 pm., During the interregnum period the petitioner shall report before the Inspector of Police, Pappanadu Police Station , Thanjavur District everyday at 10.30 a.m., without fail.

(C.V.K., J.) (R.P, J.)
03.10.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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Note: Issue order copy on 07.10.2024



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To

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1. The Deputy Inspector General of Prison
Trichy Range, Race Course Road,
Tiruchirapalli.
2. The Superintendent of Prison
Central Prison,
Thiruchirapalli
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Inspector of Police
Pappanadu Police Station
Thanjavur District



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C.V.KARTHIKEYAN, J.
and
R.POORNIMA, J.

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