



W.P(MD)No.23692 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.12.2024

CORAM

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

W.P(MD)No.23692 of 2024

Kavitha

... Petitioner

Vs.

1.The Secretary to Government,
Home Department (Prison),
Government of Tamil Nadu,
Secretariat, St.George Fort,
Chennai - 9.

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.

3.The Superintend of Prison,
District Prison, Pudukkottai.

4.The Superintendent of Police,
Sivagandai District.

... Respondents

*(R4 is suo motu impleaded vide order dated
06.11.2024 in W.P.(MD)No.23692 of 2024 by
GRSJ & RPJ).*



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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, calling for the records of the impugned order passed by the 3rd respondent in No.560/Ma.A/2024 dated 23.09.2024 and quash the same and consequently directing the 3rd respondent to grant one month ordinary leave without escort to petitioner's husband namely Palpandi, S/o.Ramachandran convict prisoner (Convict Prisoner No.569) now confined under District Prison, Pudukkottai, for the purpose of conceiving a child for a period of one month.

For Petitioner : Mr.Srikanth

For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The petitioner's husband is undergoing life sentence in District Prison, Pudukkottai. He has sofar spent nine years and four months in prison. He is entitled to 21 days ordinary leave. The learned Additional



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Public Prosecutor states that if the convict is allowed to return to his native place, there is likelihood of law and order problem cropping up.

The crime for which the petitioner's husband was convicted is also sensitive. The learned counsel for the petitioner states that the convict would straightaway go to Thiruvottiyar, Thiruvallur District and that he will not enter the limits of Sivagangai District. This undertaking given by the petitioner through her counsel is placed on record. The petitioner's husband shall stay at the following address:-

*“D.No.19, Wimco Nagar,
Gandhi Nagar 1st Street,
Thiruvottiyar,
Thiruvallur District.”*

We grant twenty days (21) ordinary leave in favour of the petitioner's husband without escort.

3.The writ petition is allowed on the following conditions:-

(a)The convict-prisoner, Palpandi, S/o.Ramachandran, [Convict No.569] now detained at District Prison, Pudukkottai is granted ordinary for twenty one (21) days from 12.12.2024 to 01.01.2025 without escort.



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(b) The convict prisoner shall be released from the prison at 05.00 p.m., on 11.12.2024 and he shall return to the prison at 10.00 a.m., on 02.01.2025.

(c) During the said leave period, he shall report before the Inspector of Police, Thiruvottiyur Police Station, Thiruvallur District daily at 07.00 a.m., and 07.00 p.m., from 12.12.2024 onwards, without fail.

(d) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual. No costs.

(G.R.S. J.) & (R.P. J.)
09.12.2024

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

Issue order copy on 10.12.2024.

To:-

1. The Secretary to Government,
Home Department (Prison),
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai - 9.
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,
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- 3.The Superintend of Prison,
District Prison, Pudukkottai.
- 4.The Superintendent of Police,
Sivagandai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Inspector of Police,
Thiruvottiyur Police Station,
Thiruvallur District.



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and
R.POORNIMA, J.**

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