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W.P.(MD)NO.24328 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.24328 of 2024

Pavithra

... Petitioner

Vs.

1. The Principal Secretary to Government,
Home, Prohibition & Excise(Prison-IV) Department,
Fort St. George,
Chennai – 600 009.
2. The Inspector General of Prisons,
O/o.Prison Department Headquarters,
Whannels Road,
Egmore, Chennai – 600 008.
3. The Deputy Inspector General of Prisons,
Trichy Range,
Race Course Road,
Trichy – 620 023.
4. The Superintendent of Prisons,
Central Prison,
Trichy – 620 020.
5. The Superintendent of Police,
District Police Office,
Subramaniyapuram,
Trichy – 620 020.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent vide his proceedings in Moo.Mu.457/Mu.Vu/2024 dated 03.10.2024 and quash the same as illegal and void, consequently grant 21 days ordinary leave without police escort to the petitioner's husband namely Prathap, S/o.Palanivelu(Convict Prisoner No.22525, P.I.D.No. 378960) confined at Central Prison, Tiruchirappalli, forthwith considering the petitioner's representation dated 04.09.2024.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

* * *

ORDER

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

Heard both sides.

2. The petitioner's husband (Prathap) is undergoing life sentence at Central Prison, Trichy (Convict Prisoner No.22525, P.I.D.No. 378960). The petitioner applied for grant of ordinary leave for 21 days. It was granted by the third respondent vide order dated 03.10.2024. However, it was made it clear that escort will accompany him. Challenging the said condition, this writ petition has been filed.



3. After going through the materials on record, we are satisfied that the leave can be granted without escort. The impugned order is accordingly modified and this writ petition stands allowed in the following terms:-

(a) The convict prisoner, Prathap, S/o.Palanivelu[Convict Prisoner No.22525, P.I.D. No.378960], now detained in the Central Prison, Trichy, is granted ordinary leave for twenty one (21) days from 12.11.2024 to 02.12.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 12.11.2024 and he shall return back to the prison at 5.00 p.m., on 02.12.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Uppiliapuram Police Station, Thuraiyur, Trichy, daily at 10.00 a.m., from 13.11.2024 onwards, without fail.

(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.

WEB.COM No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)

7th November 2024

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

To:

1. The Principal Secretary to Government,
Home, Prohibition & Excise(Prison-IV) Department,
Fort St. George, Chennai – 600 009.
2. The Inspector General of Prisons,
O/o.Prison Department Headquarters,
Whannels Road, Egmore, Chennai – 600 008.
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4. The Superintendent of Prisons,
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5. The Superintendent of Police,
District Police Office,
Subramaniyapuram, Trichy – 620 020.

Copy to :

The Inspector of Police,
Uppiliapuram Police Station,
Thuraiyur, Trichy.



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