



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.24723 of 2024

Kaniyammal

... Petitioner

Vs.

1. The Deputy Inspector General of Prison,
Madurai Zone, Madurai – 625 016.

2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli – 627 002.

3. The Superintendent of Police,
Tirunelveli District,
District Police Headquarters,
Tirunelveli.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to modify his order dated 20.12.2023 grant ordinary leave for 28 days without escort to the petitioner's father, the prisoner, Karuppaiya, S/o.Chinnamadan, LCT No.886 and the petitioner's brother, the prisoner, Ponnusamy, S/o.Karuppaiya, LCT No.887, serving the sentence at Palayamkottai Central Prison, by considering the petitioner's representation dated 11.09.2024.



WEB COPY



2

W.P.(MD)NO.24723 OF 2024

For Petitioner : Mr.R.Narayanan

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

* * *

ORDER

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

Heard both sides.

2. The petitioner's father Karupaiya, S/o.Chinnamadan, Convict No.886 and the petitioner's brother Ponnusamy, S/o.Karupaiya, Convict No.887 are undergoing life sentence at Central Prison, Palayamkottai. The petitioner applied for grant of ordinary leave for 28 days. It was granted by the first respondent vide order dated 20.12.2023. However, it was made it clear that escort will accompany them. 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 order dated 20.12.2023 is accordingly modified and this writ petition stands allowed in the following terms:-



(a) The convict prisoners, Karuppaiya, S/o.Chinnamadan, Convict No.886 and Ponnusamy, S/o.Karuppaiya, Convict No.887 are granted ordinary leave for twenty eight (28) days from 12.11.2024 to 09.12.2024.

(b) The convict prisoners shall be released from the prison at 10.00 a.m., on 12.11.2024 and they shall return back to the prison at 5.00 p.m., on 09.12.2024.

(c) During the said leave period, they shall report before the Inspector of Police, Senthamaram Police Station, Tenkasi, daily at 10.00 a.m., from 13.11.2024 onwards, without fail.

(d) During the leave period, the convict prisoners shall abide by all the conditions prescribed in the Jail Manual.

7. With the above direction, the Writ Petition stands allowed.

No costs.

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

7th November 2024

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



WEB COPY



To:

1. The Deputy Inspector General of Prison,
Madurai Zone,
Madurai – 625 016.
2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli – 627 002.
3. The Superintendent of Police,
Tirunelveli District,
District Police Headquarters,
Tirunelveli.

Copy to:

The Inspector of Police,
Senthamaram Police Station,
Tenkasi.



5

W.P.(MD)NO.24723 OF 2024

G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

PMU

W.P.(MD)No.24723 of 2024

07.11.2024