



W.P(MD) No.24934 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 25.10.2024

CORAM

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

W.P(MD) No.24934 of 2024

Mary Irin

... Petitioner

Vs

The State rep. by its

1. The Secretary to Government of Tamil Nadu
Department of Home, Fort.St.George,
Chennai – 600 009.

2. The Deputy Inspector General of Prison
Madurai Range, Madurai- 625 001

3. The Superintendent of Prisons,
Central Prison,
Palayamkottai

... Respondents

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 the records pertaining to the impugned order bearing No. 372/௨௫.2/2024 dated 26.07.2024 passed by the second respondent and quash the same and consequently direct the respondents to grant ordinary leave



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for 30 days without escort to Jenosh Edwin, S/o.Christin aged about 40 years. Life Convict No.1443 confined at Central Prison, Palayamkottai.

For Petitioner : Mr.S. Manoharan

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor.

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus, to call for the records pertaining to the order passed by the second respondent in No. 372/ உத.2/2024 dated 26.07.2024 and quash the same and consequently direct the respondent to grant 30 days ordinary leave without escort to the husband of the petitioner namely N Jenosh Edwin, S/o.Christin aged about 40 years, life Convict No.1443 confined at Central Prison, Palayamkottai

2. In the affidavit filed the reasons given seeking leave it had been stated the mother -in-law of the petitioner/convict prisoner had been suffering from leg pain and there was a blister on the left leg and had been taking treatment in the hospital weekly twice. Further it had



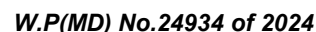
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been stated that she is not able to stand or move alone herself. The petitioner had stated that she is not in a position to take her mother-in-law to the hospital and is also struggling to cover the hospital expenses.

3. The representation of the petitioner was rejected by the second respondent on the ground that appeal is pending before the High Court in Crl.A.No. 1249 of 2021. It had also been stated that the jurisdictional police had raised apprehension that there could be some issue raised if the husband of the petitioner is granted leave.

4. However, the learned counsel appearing for the petitioner pointed out that on 07.11.2022, a Co-ordinate Division Bench of this Court in W.P(MD) No.25192 of 2022 filed by the very same petitioner set aside the order by which the respondents had granted leave for 28 days, but however with escort and had granted the said leave without escort and had directed the husband of the petitioner to appear and sign before the Manavalakurichi Police Station every day at 5.30pm., It is therefore contended by the learned counsel appearing for the petitioner that since no issues arose when the husband of the petitioner was



5. However we had also sought report from the Probationary Officer regarding the genuinity of the claim made . A report has been forwarded by the learned Additional Public Prosecutor. The content of the report shows that the mother-in-law of the petitioner was seeking treatment in KMCC hospital for ashtma, high blood pressure and treatment in left leg. The Probationary Officer had stated that medical records were also verified.

6. We also heard the learned Additional Public Prosecutor.

7. Taking into consideration all the factors , particularly the fact that already the husband of the petitioner had been granted leave for a period of 28 days by an order dated 07.11.2022 in W.P(MD) No.25192 of 2022 and also because he is otherwise eligible for grant of leave, we set aside the order of the second respondent and exercise our jurisdiction and grant ordinary leave for a period of 28 days without escort to the



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husband of the petitioner namely Jenosh Edwin, S/o.Christin aged about 40 years. Life Convict No.1443 confined at Central Prison, Palayamkottai commencing from 30.10.2024 @ 11.00 am., to 26.11.2024 @5.00 pm.,, During the interregnum period the convict prisoner petitioner shall report before the Inspector of Police, Manavalakurichi Police Station, Kanyakumari District everyday at 10.30 a.m., without fail.

8. In the result, the Writ Petition stands allowed.

(C.V.K., J.) (R.P, J.)
25.10.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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Note: Issue order copy on 28.10.2024

To

1. The Secretary to Government of Tamil Nadu
Department of Home, Fort.St.George,
Chennai – 600 009.

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2. The Deputy Inspector General of Prison
Madurai Range, Madurai- 625 001

3. The Superintendent of Prisons,
Central Prison,
Palayamkottai

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District



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