



W.P(MD) No.26120 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 29.10.2024

CORAM

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

W.P(MD) No.26120 of 2024

Ranjani

... 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
Trichy Range, Trichy 620 020.

3. The Superintendent
Central Prison, Trichy

4. The Superintendent of Police
Office of Superintendent of Police
Thanjavur- 613 001

... 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. 106/Mu.Vu/2024 dated 08.09.2024 passed by the second respondent and



W.P(MD) No.26120 of 2024

quash the same and consequently direct the respondents to grant ordinary leave for 30 days without escort to Ramadoss S/o. Appadurai, aged about 51 years bearing Convict No.22498, confined at Central Prison, Trichy.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.T.Senthil kumar

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. 106/Mu.Vu/2024 dated 08.09.2024 and quash the same and consequently direct the respondents to grant 30 days ordinary leave without escort to the husband of the petitioner namely Ramadoss, S/o. Appadurai, aged about 51 years bearing Convict No.22498, confined at Central Prison, Trichy.

2. In the affidavit filed in support of the petition it had been stated that the husband of the petitioner had been convicted in S.C. No. 71 of 2014 on the file of the III Additional District and Sessions



W.P(MD) No.26120 of 2024

Judge(FAC), Pattukottai. He had been sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/- in default to undergo three months simple imprisonment for the offence under Section 302 of IPC and also further sentence consequent to conviction for offences under Section 120(B)(i) r/w.302 of IPC and also for offence under Section 307 r/w.34 of IPC and also for offence punishable under Section 294(b) of IPC and also punished for offence punishable under Section 352 of IPC.

3. It is stated that the mother of the convict prisoner is suffering from age related ailments in the kidney and suffering to breathe & moreover the father of the petitioner is paralysed in his left arm. The income of the petitioner is not sufficient to pay for medical expenses. There is also a family function to be conducted for the daughter for the petitioner. It had been stated that Special Leave Petition is pending before the Hon'ble Supreme Court in Diary No.25220/2020. Therefore it had been contended that leave could not be granted. However we had an examination of the reasons for which leave is sought to be given. The Probationary Officer had given a report that the reasons stated are genuine. Report had also been forwarded by the



W.P(MD) No.26120 of 2024

jurisdiction police who stated that there is no evidence that hostility prevails in that area.

4. The learned Additional Public Prosecutor stated that since leave is granted for the first time, escort must be provided.

5. We would however grant escort for a limited number of days and depending on the conduct of the petitioner the escort may be withdrawn and the petitioner would be imposed with other conditions.

6. Accordingly we would exercise our jurisdiction and quash the order of the second respondent dated 08.09.2024 and grant ordinary leave without escort for a period of 21 days to the husband of the petitioner namely Ramadoss, S/o. Appadurai, aged about 51 years bearing Convict No.22498, confined at Central Prison, Trichy commencing from 05.11.2024 @ 11.00 am., to 26.11.2024 @5.00 pm.,. For the initial period of three days escort may be provided. After withdrawal of escort the convict prisoner shall report before the Inspector of Police, Madhukoor Police Station, Thanjavur District



W.P(MD) No.26120 of 2024

WEB COPY

everyday at 10.30 a.m., without fail.

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

(C.V.K., J.) (R.P, J.)
29.10.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
aav

Note: Issue order copy on 29.10.2024

To

1. The Secretary to Government of Tamil Nadu
Department of Home,
Fort.St.George,
Chennai – 600 009.
2. The Deputy Inspector General of Prison
Trichy Range, Trichy 620 020.
3. The Superintendent
Central Prison, Trichy
4. The Superintendent of Police
Office of Superintendent of Police
Thanjavur- 613 001



W.P(MD) No.26120 of 2024

WEB COPY

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

Copy to

The Inspector of Police,
Madhukoor Police Station,
Thanjavur District



W.P(MD) No.26120 of 2024

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

aav

W.P(MD) No.26120 of 2024

29.10.2024