



W.P(MD) No.24615 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 24.10.2024

CORAM

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

W.P(MD) No.24615 of 2024

M.Saranya

... Petitioner

Vs

1. The Principal Secretary to Government
Home, (Prison-IV)Department
Secretariat, Fort.St.George,
Chennai – 600 009.
2. The Director General of Prisons
O/o. Tamil Nadu Prisons Head Quarters
Whannels Road,
Egmore, Chennai- 600 008.
3. The Deputy Inspector General of Prison and Correctional Services
Trichy Range, Race Course Road,
Trichy 620 023
4. The Superintendent of Prisons,
Central Prison, Trichy- 620 020
5. The Superintendent of Police
O/o. The Superintendent of Police
Coimbatore District



W.P(MD) No.24615 of 2024

6.. The Superintendent of Police
O/o. The Superintendent of Police
Pudukottai District

... 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 relating to the impugned order passed by the fourth respondent vide proceedings in No.15554/தரு4/2024 dated 10.10.2024 and quash the same as illegal and consequently direct the respondents to grant 30 days ordinary leave without police escort to the petitioner's husband namely Mahendran, S/o.Chidambaram, Life Convict Prisoner No.24829, PID No. 191183 confined at Central Prison, Trichy.

For Petitioner : Mr.K.A.S. Prabhu

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor.

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus, seeking to call for the records relating to the order passed by the fourth respondent in No.15554/தரு4/2024 dated 10.10.2024 and



W.P(MD) No.24615 of 2024

quash the same and direct the respondents to grant 30 days ordinary leave without police escort to the petitioner's husband namely Mahendran, S/o.Chidambaram, Life Convict Prisoner No.24829, PID No. 191183 who is now confined at Central Prison, Trichy.

2. In the affidavit filed in support of the petition, it had been stated that the petitioner has been living with the mother-in-law and the daughter and son. It had been stated that health condition of the petitioner is bad and that his mother -in-law is taking care of the two children. It had been stated that they had commenced construction of house and owing to financial crisis the construction could not be completed and the house is left half constructed. It is under those circumstance the leave has been sought.

3. In the order which is impugned it is stated that Crl.A.No..102 of 2020 is pending before the Principal Bench and therefore the Superintendent of Central Prison, Trichy is not in a position to grant leave . He also stated that since criminal appeal is pending before the Principal Bench the petitioner should have files the petition before the



W.P(MD) No.24615 of 2024

WEB COPY

Principal Bench. But, however, we are informed that the Hon'ble Full Bench of this Court in the case of ***B.Stalin.vs. The Registrar, Supreme Court of India , Tilak Marg, New Delhi and others*** reported in 2012(4)CTC 113 had laid down that since the petitioner is confined at Central Prison, Trichy which comes under the jurisdiction of this Court, the writ petition is maintainable before this Bench.

4. We had sought for report from the jurisdiction police namely Inspector of Police, Keeranur Police Station and from the Probationary Officer about the genuinity of the reason. A report had been forwarded by the Probationary Officer stating that it is a fact that the petitioner herein is seriously ill and that the mother-in-law is taking care of the children. It had also been stated that the house is half constructed. So far as the Inspector of Police, Keeranur Police Station, Pudukottai District he had forwarded a report that there is no hostility in that area but had expressed apprehension since the husband of the petitioner had the habit of consuming liquor and he might under the influence of liquor create some problem. We place the responsibility on the petitioner herein to ensure that no untoward incident happens.



W.P(MD) No.24615 of 2024

WEB COPY

5. Taking into consideration all these factors, we quash the order of the fourth respondent dated 10.10.2024 and grant ordinary leave to the husband of the petitioner namely Mahendran, S/o.Chidambaram, Life Convict Prisoner No.24829, PID No. 191183 for a period of 21 days without escort commencing from 29.10.2024 @ 11.00 am., to 18.11.2024 @5.00 pm.,, During the interregnum period the petitioner shall report before the Inspector of Police, Keeranur Police Station, Pudukottai District everyday at 10.30 a.m., without fail.

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

(C.V.K., J.) (R.P, J.)
24.10.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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Note: Issue order copy on 28.10.2024



W.P(MD) No.24615 of 2024

To

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W.P(MD) No.24615 of 2024

6.. The Superintendent of Police
O/o. The Superintendent of Police
Pudukottai District

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

Copy to
The Inspector of Police
Keeranur Police Station
Pudukottai District



W.P(MD) No.24615 of 2024

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

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W.P(MD) No.24615 of 2024

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