



W.P(MD) No.24683 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 13.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P(MD) No.24683 of 2024
and
W.M.P.(MD)No.21008 of 2024**

Easwaran

... Petitioner

Vs

- 1.The Principal Secretary to Government,
Home, Prohibition & Excise (Prison-IV) Department,
Fort St.George,
Chennai-600 009.
- 2.The Director General of Prisons
O/o.Tamil Nadu Prisons 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.



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5. The Superintendent of Police,
District Police Office,
Padmavathipuram,
Tiruppur-641 603.

... 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 4th respondent vide her proceedings in No. 15292/ThaKu.4/2024 dated 30.09.2024 and quash the same as illegal and void, consequently grant 21 days ordinary leave without police escort to petitioners son namely Sivakumar, S/o. Easwaran, C(onvict No. 23279, P.I.D. No. 218729) now confined at Central Prison, Tiruchirappalli, forthwith considering the representation dated 06.09.2024.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

ORDER

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

Heard both sides.

2. The petitioner's son was convicted for the offence under POCSO Act and sentenced to double life imprisonment. On appeal, it was



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modified and he was directed to undergo single life imprisonment. He is yet to complete three years of actual incarceration. Therefore, he is not eligible for ordinary leave. We therefore sustain the impugned order.

3. However, taking into account the special facts and circumstances obtaining in this case, we grant 7 days emergency leave for the prisoner. Accordingly, the convict prisoner is granted emergency leave for 7 days with single escort on the following conditions :-

(a)The convict prisoner, Sivakumar [Convict Prisoner No.23279], now detained in the Central Prison, Trichy, is granted emergency leave for seven (7) days from 19.11.2024 to 25.11.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 18.11.2024 and he shall return to the prison at 5.00 p.m., on 26.11.2024.

(c)The fourth respondent is directed to provide single escort to the convict from the Central Prison at the time when he leaves the prison and till such time, he returns to the prison. It is clarified that the cost involved in providing escort shall be deducted from out of the earnings of the convict.



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

4. With the above direction, the Writ Petition stands disposed of. No costs.

(G.R.S., J.) (R.P., J.)
13.11.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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NOTE: Issue Order Copy on 14.11.2024



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