



W.P(MD)No.25115 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.11.2024

CORAM

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

W.P(MD)No.25115 of 2024

Poornavalli

... Petitioner / Wife of the Prisoner

Vs.

1.The State of Tamilnadu Rep. by its,
The Deputy Inspector General of Prison,
Madurai Zone, Madurai Central Prison,
Madurai - 625 016.

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

3.The Commissioner of Police,
Tirunelveli Town,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to modify his order dated 11.10.2024 in No.659/UTHA. 2/2024 and to grant ordinary leave of 28 days without escort to petitioner's husband, Babu, S/o.Thangapandian bearing CT.No.2904, serving life sentence at Palayamkottai Central Prison.



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For Petitioner : Mr.R.Narayanan

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

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

The husband of the petitioner is in incarceration at Central Prison, Palayamkottai as life convict. The petitioner applied for grant of ordinary leave for her husband. This request was accepted. However, a condition was imposed that the convict will be accompanied by an escort while being out on ordinary leave. Questioning this condition for providing escort, the present writ petition came to be filed.

2.The second respondent has filed status report and the learned Additional Public Prosecutor took us through its contents. The learned Additional Public Prosecutor would point out that the petitioner's husband had killed a prominent community leader and therefore, there may be threat to the petitioner's husband's life and that is why, the condition has been incorporated to provide escort.



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3.We wanted to know whether the victim is from a different community. It is stated that the victim also belonged to the same community. The occurrence had taken place way back in the year 2010. It is also informed that the petitioner's husband was granted leave on quite a few occasions and no untoward incident was reported. He also properly returned to the prison on the expiry of the leave period. We are satisfied that the petitioner's husband can be given leave without escort.

4.The impugned condition is set aside and the writ petition is allowed of on the following conditions :-

(a)The convict-prisoner, Babu S/o.Thangapandian [LCT No.2904] now detained in the Central Prison, Palayamkottai is granted ordinary leave for twenty eight (28) days from 14.11.2024 to 13.12.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 14.11.2024 and he shall return to the prison at 5.00 p.m on 13.12.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Tirunelveli Town Police Station, Tirunelveli District daily at 10.00 a.m., from 15.11.2024 onwards, without fail.



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(d) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual. No costs.

**(G.R.S. J.) & (R.P. J.)
11.11.2024**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 12.11.2024

To:-

- 1.The Deputy Inspector General of Prison,
Madurai Zone, Madurai Central Prison,
Madurai - 625 016.
- 2.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli - 627 002.
- 3.The Commissioner of Police,
Tirunelveli Town,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.



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and
R.POORNIMA, J.**

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