



W.P(MD) No.24939 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06.11.2024

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

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Perumal

... Petitioner

Vs

- 1.The Principal Secretary to Government,
Home, Prohibition & Excise (Prison-IV) Department,
Fort St.George,
Chennai-600 009.
- 2.Inspector General of Prisons,
O/o.Prison Department 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,
High Ground Road,
Tirunelveli-627 011.

... 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 third respondent vide proceedings in No.489/MuVu/2024, dated 16.10.2024, consequently grant 28 days ordinary leave without police escort to petitioner's son Doss @ Vatakam @ Pethaperumal @ Perumal, S/o.Perumal (Convict Prisoner No.23331, P.I.D.No.34432) now confined at Central Prison, Tiruchirappalli, forthwith considering the representation dated 18.09.2024.

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.



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2. The petitioner's son namely Doss @ Vatakam @ Pethaperumal @ Perumal (Convict No.23331) is undergoing life imprisonment in Central Prison, Tiruchirappalli.

3. The petitioner's wife is said to be suffering from certain serious ailments. The petitioner has therefore sought 28 days ordinary leave for his son. The petitioner's request was rejected by the third respondent vide communication dated 16.10.2024. Challenging the same, this writ petition has been filed.

4. The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned communication and grant relief as prayed for.

5. Per contra, the learned Additional Public Prosecutor submitted that the petitioner's son was involved in as many as five murder cases. He conceded that four of them ended in acquittal. But the fact remains that the petitioner's son is having too many enemies. The learned Additional



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Public Prosecutor emphasised that there may be threat to the petitioner's son's life. He also would point out that misunderstanding has developed between the convict and his wife and that the convict may harm his wife while out on ordinary leave. It is for this reason, in the impugned communication, it has been stated that granting leave would be prejudicial to public peace and tranquillity. The learned Additional Public Prosecutor called upon this Court to sustain the impugned communication.

6. We carefully considered the rival contentions and went through the materials on record. It is not in dispute that the petitioner's son is in incarceration for more than 12 years. He is therefore eligible for grant of 28 days ordinary leave. It is admitted that the mother of the convict is suffering from serious ailments. In fact, the probationary officer has recommended grant of 28 days ordinary leave. It is only the jurisdictional police who have expressed serious reservations. It is also admitted that the petitioner's son was earlier granted ordinary leave and he also returned to the prison on time and no untoward incidents were reported.



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7. However, taking into account the serious objection raised by the learned Additional Public Prosecutor, we are of the view that the petitioner can be granted ordinary leave under escort.

8. In this view of the matter, the impugned order is set aside. Accordingly, the convict prisoner is granted ordinary leave for 21 days with one escort on the following conditions :-

(a) The convict prisoner, Doss @ Vatakam @ Pethaperumal @ Perumal [Convict Prisoner No.23331], now detained in the Central Prison, Tiruchirappalli, is granted ordinary leave for twenty one (21) days from 12.11.2024 to 02.12.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 12.11.2024 and he shall return to the prison at 5.00 p.m., on 02.12.2024.

(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.

(e) The convict is restrained from entering the limits of the village in which his wife is residing.

8. With the above direction, the Writ Petition stands allowed. No costs.

(G.R.S., J.) (R.P., J.)
06.11.2024

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

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