



W.P(MD) No.25032 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**

W.P(MD) No.25032 of 2024

Veerasekaran

... 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.



W.P(MD) No.25032 of 2024

5.The Superintendent of Police,
District Police Office,
Shivaji Nagar,
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 calling for records pertaining to the impugned order passed by the fourth respondent vide her proceedings in No.15977/Thaku.4/2024, dated 10.10.2024, consequently, grant 28 days ordinary leave without police escort to the petitioner's father namely Shanmugam S/o.Peramaiya Nattar (Convict Prisoner No.22500, P.I.D.No.66640) confined at Central Prison, Tiruchirappalli now forthwith considering the petitioner's representation dated 16.09.2024.

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 father is presently undergoing life imprisonment in Central Prison, Trichy (Convict No.22500). The petitioner applied for



W.P(MD) No.25032 of 2024

ordinary leave on behalf of his father. It was rejected by the fourth respondent vide order dated 10.10.2024. Questioning the same, this writ petition has been filed.

3. The petitioner's father is in incarceration for the last three years and 11 months. He is eligible for 21 days ordinary leave. It is stated that the wife of the convict is suffering from serious medical ailments. The case of the convict has been favorably recommended by the jurisdictional police as well as the probationary officer.

4. The only reason for which the request for grant of ordinary leave was rejected is the pendency of SLP before the Hon'ble Supreme Court. We are inclined to exercise our powers under Article 226 of the Constitution of India. In this view of the matter, the impugned communication is set aside.

6. Accordingly, the convict-prisoner is granted ordinary leave for 21 days without escort on the following conditions :-

(a) The convict prisoner, Shanmugam S/o. Peramaiya Nattar [Convict Prisoner No.22500], now detained in the Central Prison, Tiruchirappalli, is granted ordinary leave for twenty one (21) days from 12.11.2024 to 02.12.2024.



W.P(MD) No.25032 of 2024

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

(c) During the said leave period, he shall report before the Inspector of Police, Mathukur Police Station, Pudukkottai District, daily at 10.00 a.m., from 13.11.2024 onwards, without fail.

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

7. 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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To

1. The Principal Secretary to Government,
Home, Prohibition & Excise (Prison-IV) Department,
Fort St. George,
Chennai-600 009.

4/6



W.P(MD) No.25032 of 2024

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.
5. The Superintendent of Police,
District Police Office,
Shivaji Nagar,
Thanjavur-613 001.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Inspector of Police,
Mathukur Police Station,
Pudukkottai District.



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W.P(MD) No.25032 of 2024

G.R.SWAMINATHAN, J.
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W.P(MD) No.25032 of 2024

06.11.2024