



W.P(MD) No.25160 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 25.10.2024

CORAM

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

W.P(MD) No.25160 of 2024

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... Petitioner

Vs

1. The Principal Secretary to Government
Home, Prohibition and Excise(Prison-IV) Department,
Fort.St.George,
Chennai – 600 009.
2. The Inspector General of Prisons
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
Ezhil Nagar,
Dingidul 624 003

... Respondents



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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 her proceedings in No. 473/Mu.Vu/2024 dated 16.10.2024 consequently grant 28 days ordinary leave without police escort to the petitioner's son Karthik, S/o.Subramani, C.P.No.20364, PID No.123858 confined at Central Prison, Tiruchirapalli forthwith considering the petitioner's representation dated 12.09.2024.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor.

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus, to call for the records pertaining to the order passed by the third respondent in No. 473/Mu.Vu/2024 dated 16.10.2024 and quash the same and consequently direct the respondents to grant 28 days ordinary leave without police escort to the petitioner's son Karthik, S/o.Subramani, C.P.No.20364, PID No.123858, confined at Central Prison, Tiruchirapalli



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2. In this connection, a representation had been given on 12.09.2024. In the affidavit filed in support of the contention it had been stated that the petitioner herein who is the mother of the convict prisoner had earlier been admitted to the Government Hospital at Dindigul since she was suffering from Acute Bronchial Asthma. It was stated that at that point of time none of her relatives stayed with her . Her husband suffers from 65 % disability.

3. We wanted a report from the Probationary Officer about the genuinity of the claim made in the petition. A report had been filed that the mother of the convict petitioner was admitted in the Government Rajaji Hospital at Madurai.

4. The respondents had also forwarded a report stating that there is a possibility of law and problem being created if the convict prisoner is granted leave. But, however it is seen from the records even on an earlier occasion the son of the petitioner had been granted leave without escort and no untoward incident had occurred.



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5. Balancing all the factors into consideration we would exercise our jurisdiction and quash the order of the third respondent dated 16.10.2024 and grant ordinary leave for a period of 28 days without escort to the son of the petitioner namely Karthik, S/o.Subramani, C.P.No.20364, PID No.123858, confined at Central Prison, Tiruchirapalli commencing from 30.10.2024 @ 11.00 am., to 26.11.2024 @5.00 pm.,, During the interregnum period the convict prisoner petitioner shall report before the Inspector of Police, Gujiliambarai Police Station, Dindigul 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.)
25.10.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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Note: Issue order copy on 28.10.2024



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To

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1. The Principal Secretary to Government
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O/. Prison Department Headquarters,
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5. The Superintendent of Police
District Police Office
Ezhil Nagar,
Dingidul 624 003
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Inspector of Police,
Gujiliambarai Police Station,
Dindigul District



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

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