



W.P(MD) No.25690 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18.11.2024

CORAM

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

W.P(MD) No.25690 of 2024

Meenakshi

... Petitioner

Vs

1.The Deputy Inspector General of Prison,
(Prison and Correctional Services),
Madurai Range,
Madurai.

2.The Superintendent,
Central Prison,
Madurai.

3.The Commissioner of Police,
Madurai City.
(R3 is suo motu impleaded vide
order dated 11.11.2024)

... 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 pertaining to the impugned order in No. 623/ Utha.



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2/2024 dated 26.09.2024 on the file of the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to release the petitioners son namely Dhinesh Kumar, S/o Thangapandi (C.P.No.1276) on ordinary leave / emergency leave for 30 days for arranging medical expenses and to take care of the petitioner.

For Petitioner : Mr.M.Jegadeesh Pandian

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 Dhinesh Kumar (C.P.No.1276) is a convict undergoing 10 years imprisonment in Central Prison, Madurai. Since it is a NDPS case involving commercial quantity, he will not be entitled to ordinary leave. It is submitted that the convict was given 7 days leave to attend the puberty function of his daughter and that he returned to the prison promptly even though he was given leave without escort.



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3. Taking into account the overall conduct of the convict, we grant 3 days emergency leave to the convict under double escort. Accordingly, the convict prisoner is granted emergency leave for 3 days with double escort on the following conditions :-

(a) The convict prisoner, Dhinesh Kumar S/o.Thangapandian [Convict Prisoner No.1276], now detained in the Central Prison, Madurai, is granted emergency leave for three (3) days from 22.11.2024 to 24.11.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 21.11.2024 and he shall return to the prison at 5.00 p.m., on 25.11.2024.

(c) The second respondent is directed to provide double 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.

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



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

(G.R.S., J.) (R.P., J.)
18.11.2024

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

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NOTE: Issue Order Copy on 19.11.2024



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- 1.The Deputy Inspector General of Prison,
(Prison and Correctional Services),
Madurai Range,
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- 2.The Superintendent,
Central Prison,
Madurai.
- 3.The Commissioner of Police,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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