



W.P(MD)No.25430 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.11.2024

CORAM

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

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Manikandan

... Petitioner

Vs.

1.The Deputy Inspector General of Prison,
Office of the Deputy Inspector General
of Prison and Correctional Services,
Trichy Range, Trichy.

2.The Superintendent of Prison,
Central Prison, Trichy.

3.The Superintendent of Police,
Trichy District.

... Respondents

*(R3 is suo motu impleaded vide order dated
12.11.2024 in W.P.(MD)No.25430 of 2024 by
GRSJ & RPJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the first respondent in No.106/MuVu/2024 dated 04.09.2024 and quash the same and further direct the 1st respondent to grant ordinary leave for the



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period of 21 days without escort to the petitioner namely, Manikandan (PID No.206519), S/o.Durairaj, aged about 33 years who is a convict prisoner languishing in Trichy Central Jail for the past 3 ½ years.

For Petitioner : Mr.R.Alagia Nambi

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

ORDER

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

The petitioner is undergoing life imprisonment in Central Prison, Trichy. He has sofar spent 3 ½ years in jail. It is not in dispute that the petitioner is entitled to 21 days ordinary leave. The petitioner's house is said to have been damaged. The petitioner also wants to make arrangements for his son's education. The probation officer has also recommended the case of the petitioner. The petitioner's request was rejected on the ground that C.C.Nos.2592 and 2599 of 2019 on the file of the learned Judicial Magistrate No.III, Trichy are pending against the petitioner.



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2.Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982

sates that no prisoner on whom a case is pending trial shall be granted leave. However, the Hon'ble Division Bench of this Court vide order dated 30.10.2023 in W.P.(MD)No.24945 of 2023 had held that Rule 35 of TNSS Rules shall not be an impediment in the way of the Writ Court from exercising its constitutional power to grant ordinary leave to the prison inmate.

3.Since in this case, we are satisfied that genuine reasons have been projected, citing the pendency of the two calender cases, the petitioner need not be denied relief. In this view of the matter, the impugned order is set aside and the writ petition is allowed on the following conditions :-

(a)The prisoner, Manikandan, S/o.Durairaj [PID No.206519] now detained in the Central Prison, Trichy is granted ordinary leave for twenty one (21) days from 25.11.2024 to 17.12.2024 without escort.

(b) The convict prisoner shall be released from the prison at 05.00 p.m., on 25.11.2024 and he shall return to the prison at 10.00 a.m., on 17.12.2024.



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(c) During the said leave period, he shall report before the Inspector of Police, Somarasanapettai Police Station, Trichy District daily at 07.00 a.m. and 07.00 pm., from 26.11.2024 onwards, without fail.

(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.)
19.11.2024**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 21.11.2024.

To:-

- 1.The Deputy Inspector General of Prison,
Office of the Deputy Inspector General
of Prison and Correctional Services,
Trichy Range, Trichy.
- 2.The Superintendent of Prison,
Central Prison, Trichy.
- 3.The Superintendent of Police,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Copy to:

The Inspector of Police,
Somarasanapettai Police Station,
Trichy District



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**G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.**

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