



W.P(MD) No.25567 of 2024

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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.25567 of 2024

V.Sharmila

... Petitioner

Vs

1. The Deputy Inspector General
Prison and Correctional Services Department,
Madurai Range,
Madurai.

2. The Jail Superintendent
Central Prison,
Madurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to calling for the records relating to the impugned order vide No. 340 /௨௫2/2024 dated 20.10.2024 on the file of the first respondent and quash the same and consequently direct the respondents to release the petitioner's husband namely Veerendran, S/o. Mayandi,C.P.No.1675 on an ordinary leave(parole) for a month in the light of his representation dated 01.10.2024 on the file of the second respondent.



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For Petitioner : Mr.R.Venkateswaran

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor.

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking to call for the records of the first respondent dated 20.10.2024 in No. 340 /௨௫2/2024 and quash the same and direct the respondents to grant ordinary leave for a period of one month to the husband of the petitioner namely Veerendran, S/o. Mayandi,C.P.No. 1675 now confined at Central Prison, Madurai in view of the representation given dated 01.10.2024.

2. The representation had been examined by the first respondent and it had been rejected by an order dated 20.10.2024 on the ground that the husband of the petitioner was convicted under the provisions of the NDPS Act. Therefore request for leave cannot be considered. It is also stated that appeal filed against the conviction is also pending.



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3. The learned counsel appearing for the petitioner, however contended that function is to be held for the daughter of the petitioner on 26.10.2024 between 4.45 pm., and 5.45 pm., at the house of the petitioner at Manoothu Village, Usilampatti Taluk, Madurai District.

4. We had expressed our apprehension about the grant of leave particularly noting that the husband of the petitioner was an accused under the NDPS Act and the possibility that he might abscond. We therefore made it very clear that if the leave is to be granted, we would grant him leave only for one day and not more than that.

5. The learned counsel appearing for the petitioner took time and got instructions and stated that some more days could be granted as leave.

6. We are firmly of the opinion that just one day leave can be granted from morning to evening on 26.10.2024 and the same to be granted only with escort.



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7. This had been assented by the learned counsel appearing for the petitioner who has stated that the husband of the petitioner had also gone on leave on earlier occasion and he had surrendered as directed.

8. However taking all factors into consideration, we quash the order of the first respondent dated 20.10.2024 and grant one day ordinary with escort to the husband of the petitioner namely Veerendran, S/o. Mayandi, C.P.No.1675 to take effect from 7.30 a.m., on 26.10.2024 till 6.30 pm., on 26.10.2024. The respondents may take a decision about the nature of escort to be provided. The charges for the escort may be deducted at the end of the term of the prison sentence from the earnings of the husband of the petitioner.

9. In the result, the Writ Petition stands allowed.



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10. List the case once again on 28.10.2024 for report that the convict prisoner had once again been taken to the Central Jail, Madurai.

(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 25.10.2024

To

1. The Deputy Inspector General
Prison and Correctional Services Department,
Madurai Range,
Madurai.
2. The Jail Superintendent
Central Prison,
Madurai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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