



WEB COPY



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W.P.(MD)NO.26052 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.26052 of 2024 AND

W.M.P.(MD)No.22089 of 2024

Pattu

... Petitioner /
Mother of the prisoner

Vs.

1. The State of Tamil Nadu,
Rep. By its
The Deputy Inspector General of Prison,
Madurai Zone,
Madurai Central Prison,
Madurai – 625 016.

2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli – 627 002.

3. The Superintendent of Police,
O/o.the Superintendent of Police,
Thoothukudi – 628 008.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the first respondent dated 11.09.2024 in No.533/UTHA.2/2024 and quash the same and consequently directing the respondents to grant ordinary leave for 40



days without escort to the petitioner's son, Packiyaraj, S/o.Ramar, convict No.4679, detained at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Narayanan

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

* * *

ORDER

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The petitioner's son was convicted for the offence under Section 5(i) r/w. Section 6 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to 10 years Rigorous Imprisonment in Special S.C.No.191 of 2019 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi. Aggrieved by the same, the petitioner's son filed CrI.A.(MD)No.65 of 2021. The appeal was disposed of on 10.11.2023. The conviction as well as the sentence were modified and the sentence was reduced to 5 years. The petitioner's son has already served 4 years Rigorous Imprisonment. The petitioner applied for grant of ordinary leave of 21 days. The request was rejected



by citing the pendency of C.C.No.102 of 2015 on the file of the Judicial Magistrate No.I, Thoothukudi.

3. We are of the view that the pendency of C.C.No.102 of 2015 need not come in the way. In this view of the matter, the impugned order is set aside. The petitioner's son is granted ordinary leave for a period of 21 days without escort. This writ petition stands allowed in the following terms:-

(a)The convict prisoner, Packiyaraj, S/o.Ramar[Convict Prisoner No.4679], now detained in the Central Prison, Palayamkottai, is granted ordinary leave for twenty one (21) days from 15.11.2024 to 07.12.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 15.11.2024 and he shall return to the prison at 5.00 p.m., on 07.12.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Sawyerpuram police station, Thoothukudi District daily at 10.00 a.m., from 16.11.2024 onwards, without fail.

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



(e) The convict prisoner is directed to appear
before the trial Court for hearing on 18.11.2024.

7. With the above direction, the Writ Petition stands allowed.

No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
12th November 2024

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

To:

1. The Deputy Inspector General of Prison,
Madurai Zone,
Madurai Central Prison,
Madurai – 625 016.
2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli – 627 002.
3. The Superintendent of Police,
O/o.the Superintendent of Police,
Thoothukudi – 628 008.

Copy to :

The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District.



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