



W.P(MD)No.25957 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.11.2024

CORAM

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

W.P(MD)No.25957 of 2024

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... Petitioner

Vs.

1.The Deputy Inspector General of Prison,
O/o. the Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.

2.The Superintendent of Prison,
Central Jail, Madurai.

3.The Superintendent of Police,
O/o. the Superintendent of Police,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records challenging the consequential orders passed by the Respondent No.1 in his impugned order in No.625/Utha.2/2024 dated 26.10.2024.

(Prayer is amended vide order dated 12/11/2024 in W.M.P.(MD).22554 of 2024 in WP.(MD).No.25957 of 2024 by GRSJ and RPJ)



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For Petitioner : Mr.R.Vignesh

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

ORDER

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

Heard both sides.

2.The petitioner's brother / Pandeewaran (Convict No.1191) was sentenced to undergo ten years imprisonment in an NDPS case and he is presently incarcerated in Central Prison, Madurai. The petitioner's mother is said to be seriously ill. Hence, the petitioner sought ordinary leave for his brother. It was rejected vide order dated 26.10.2024. Questioning the same, this writ petition has been filed.

3.Since the petitioner's brother has been convicted in an NDPS case involving commercial quantity, he is not eligible ordinary leave. However, taking into account the special facts and circumstances of the case, we grant emergency leave for the petitioner's brother.



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4.This writ petition is disposed of in the following conditions:-

(a)The convict-prisoner, Pandeeswaran, S/o.Thilagan [Convict No.1191] now detained in the Central Prison, Madurai is granted emergency leave for seven (7) days from 25.11.2024 to 03.12.2024 with single 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 03.12.2024.

(c) The third respondent is directed to provide single 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. No costs.

**(G.R.S. J.) & (R.P. J.)
19.11.2024**

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

Issue order copy on 21.11.2024.



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- 1.The Deputy Inspector General of Prison,
O/o. the Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.
- 2.The Superintendent of Prison,
Central Jail, Madurai.
- 3.The Superintendent of Police,
O/o. the Superintendent of Police,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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