



W.P(MD) No.25931 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 28.10.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MS.JUSTICE R.POORNIMA**

W.P(MD) No.25931 of 2024

R.Malarvizhi

... Petitioner

Vs

- 1 . The State of Tamil Nadu,
Rep. By the Principal Secretary to Government,
Home, Prohibition and Excise (Prison-IV) Department,
Secretariat Fort St.George,
Chennai - 600009.
2. The Director General of Police,
O/o. Tamil Nadu Prisons Head Quarters,
Whannels Road, Egmore,
Chennai – 600 008.
- 3.The Deputy Inspector General of
Prisons and Correctional Services,
Trichy Range, Race Course Road,
Trichy – 620 023.



W.P(MD) No.25931 of 2024

4. The Superintendent,
Central Prison,
Trichy – 620 020.

5. The Superintendent of Police,
O/o. The Superintendent of Police,
Pudukkottai District.

... 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 relating to the impugned order passed by the third respondent vide proceedings in எண்.ROTRY/494/முஉ/2024, dated 24.10.2024 and quash the same as illegal and consequently direct the respondents to grant 30 days ordinary leave without escort to the petitioner's husband, namely, Rajkumar, S/o.Chinnandi, Life Convict, bearing Convict Prisoner No.23946, PID No.245192 confined at Central Prison, Trichy.

For Petitioner : Mr.K.A.S.Prabhu

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.



W.P(MD) No.25931 of 2024

WEB COPY

ORDER

This writ petition has been filed in the nature of a Certiorarified Mandamus seeking to call for records of the order of the third respondent dated 24.10.2024 in No.ROTRY/494/൧൧/2024 and set aside the same.

2. In the writ petition, it had been stated that the petitioner had given a representation seeking ordinary leave for 30 days for the husband of the petitioner, Rajkumar, who is life convict prisoner No.23946 and confined at Central Prison, Trichy. The reason why leave is sought, is that the mother-in-law of the petitioner, Chinnathal, is suffering from bleeding of uterus and it is stated that hysterectomy surgery has to be conducted on her. It is stated that the presence of the husband of the petitioner would be of much comfort. The representation had been rejected by the impugned order on the ground that as on 26.10.2024, the husband of the petitioner had undergone imprisonment for 2 years 11 months and 5 days. It is stated that the principal condition is that he should have completed three years period. But, however, we find from the records that even earlier ordinary leave had been granted without



W.P(MD) No.25931 of 2024

escort. Taking all the factors into consideration and the reasons given, and also on the ground that the period of three years would be completed by 20.11.2024, we grant ordinary leave for 21 days from 21.11.2024 till 11.12.2024 to the husband of the petitioner, Rajkumar, life convict prisoner No.23946, confined at Central Prison, Trichy. During the period of leave, he shall sign before the Inspector of Police Karaiyur Police Station, at Pudukkottai District, every day at 10.30 am. The period of leave would commence on 20.11.2024 and the husband of the petitioner namely, Rajkumar, should surrender before the Central Prison, Trichy, at 05.30 pm., on 11.12.2024.

3. This Writ Petition is allowed. No costs.

(C.V.K., J.) (R.P, J.)

28.10.2024

LS



W.P(MD) No.25931 of 2024

Note: Issue order copy on 30.10.2024

To

1. The Principal Secretary to Government,
Home, Prohibition and Excise (Prison-IV) Department,
Secretariat Fort St.George,
Chennai - 600009.
2. The Director General of Police,
O/o. Tamil Nadu Prisons Head Quarters,
Whannels Road, Egmore,
Chennai – 600 008.
3. The Deputy Inspector General of
Prisons and Correctional Services,
Trichy Range, Race Course Road,
Trichy – 620 023.
4. The Superintendent,
Central Prison, Trichy – 620 020.
5. The Superintendent of Police,
O/o. The Superintendent of Police,
Pudukkottai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Inspector of Police,
Karaiyur Police Station, Pudukkottai District,



WEB COPY



W.P(MD) No.25931 of 2024

C.V.KARTHIKEYAN, J.

and

R.POORNIMA, J.

LS

W.P(MD) No.25931 of 2024

28.10.2024