



W.P(MD) No.26432 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 11.11.2024

CORAM

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

W.P(MD) No.26432 of 2024
and
W.M.P.(MD)No.22382 of 2024

Selvi

... Petitioner

Vs

- 1.The Secretary to Government,
Home Department (Prison),
Government of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai-9.
- 2.The Additional Director General of Police (Prisons)/
The Inspector General of Police,
Office of ADGP (Prisons)/I.G of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore,
Chennai-8.
- 3.The Superintendent of Prison,
Central Prison,
Madurai.



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4.The Superintendent of Police,
Madurai District.
(R4 is *suo motu* impleaded vide
order dated 05.11.2024)

... 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 of the impugned order passed by the third respondent in No.E376527/tha.ku.2/2024, dated 26.09.2024 and quash the same and consequently, directing the respondents to one month grant ordinary or emergency leave without escort to the petitioner's husband namely Nagarajan S/o.Karuppiyah convict prisoner (CP No.5864) now confined under Central Prison, Madurai in the light of the petitioner's father-in-law medical circumstances.

For Petitioner : Mr.S.Srikanth

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

ORDER

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

The wife of the convict (CP No.5864) is the petitioner herein. He is in incarceration in Central Prison, Madurai.



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2. Ordinary leave was sought on the ground that the father of the convict is seriously ill. Request was negatived. The reason for rejection is that SLP is pending before the Hon'ble Supreme Court. We are aware of the difficulties that may be faced in moving the Hon'ble Supreme Court. That is why, we invoke our power under Article 226 of the Constitution of India. The learned counsel for the petitioner has also drawn our attention to quite a few cases where ordinary leave has been granted for the convict notwithstanding the pendency of SLP before the Hon'ble Supreme Court.

3. In this view of the matter, the order impugned in the writ petition is set aside. Accordingly, the convict-prisoner is granted ordinary leave for 21 days without escort on the following conditions :-

(a) The convict prisoner, Nagarajan S/o.Karuppiah [Convict Prisoner No.5864], now detained in the Central Prison, Madurai, is granted ordinary leave for twenty one (21) days from 15.11.2024 to 05.12.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 14.11.2024 and he shall return to the prison at 5.00 p.m., on 06.12.2024.



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(c) During the said leave period, he shall report before the Inspector of Police, Nagamalaipudukottai Police Station, Madurai District, daily at 10.00 a.m., from 15.11.2024 onwards, without fail.

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

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

No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.P., J.)
11.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To

1. The Secretary to Government,
Home Department (Prison),
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai-9.

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2.The Additional Director General of Police (Prisons)/

The Inspector General of Police,
Office of ADGP (Prisons)/I.G of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore,
Chennai-8.

3.The Superintendent of Prison,
Central Prison,
Madurai.

4.The Superintendent of Police,
Madurai District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Inspector of Police,
Nagamalaipudukottai Police Station,
Madurai District.



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