



WEB COPY



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W.P.(MD)NO.26609 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.26609 of 2024 AND

W.M.P.(MD)No.22573 of 2024

Pechiammal

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Home (Prison-IV) Department,
Fort St. George,
Chennai – 9.
2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
II Floor, Gandhi Irwin Road,
Egmore, Chennai – 8.
3. The Deputy Inspector General of Prisons,
Vellore Range.
4. The Superintendent of Central Prison,
Central Prison,
Cuddalore.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the fourth respondent in his proceedings in No.15248/Tha.Ku2/2024 dated 03.10.2024 which signed on 23.10.2024



and quash the same, consequently directing the fourth respondent to extend the leave to the petitioner for further period of 60 days in the light of the petitioner's representation dated 02.10.2024.

For Petitioner : Mr.P.Jeyasankar

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 husband Dhamodaran (C.P.No.14883) is a life convict undergoing incarceration in Central Prison, Cuddalore. He has already spent 20 years in jail. He was granted 28 days ordinary leave this year. This was because, the convict was having heart related ailments. It is not in dispute that the convict is entitled to 12 more days ordinary leave for this year.

3. We are satisfied that case for granting 12 more days ordinary leave has been made out. When the petitioner was granted ordinary leave, he promptly returned and no untoward incident had happened. Therefore, the impugned order is set aside and this writ petition stands allowed in the following terms:-



(a) The convict prisoner, Dhamodaran, S/o.Chidambaram[Convict Prisoner No.14883], now detained in the Central Prison, Cuddalore, is granted ordinary leave for 12 more days without escort from 16.11.2024 to 27.11.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 16.11.2024 and he shall return to the prison at 5.00 p.m., on 27.11.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Thalamuthu Nagar police station, Thoothukudi District daily at 10.00 a.m., from 17.11.2024 onwards, without fail.

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

4. 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
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To:

1. The Secretary to Government,
Home (Prison-IV) Department,
Fort St. George,
Chennai – 9.
2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
II Floor, Gandhi Irwin Road,
Egmore, Chennai – 8.
3. The Deputy Inspector General of Prisons,
Vellore Range.
4. The Superintendent of Central Prison,
Central Prison,
Cuddalore.

Copy to :

The Inspector of Police,
Thalamuthu Nagar police station,
Thoothukudi District.



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R.POORNIMA, J.

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