



**W.P(MD) No.26661 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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Date : 18.11.2024

**CORAM**

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

**W.P(MD) No.26661 of 2024**

Sivasami

... Petitioner / Father of the detainee

**Vs**

The State represented by its,

1.The Secretary to Government of Tamil Nadu,  
Home Department,  
Fort St.George,  
Chennai-600 009.

2.The Deputy Inspector General of Prison,  
Trichy Range,  
Trichy Central Prison,  
Trichy-620 020.

3.The Superintendent,  
Trichy Central Prison,  
Trichy-620 020.

4.The Superintendent of Police,  
District Police Office,  
Perambalur-621 212.

... Respondents



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**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 pertaining to the impugned order bearing MuMu No. 12311/ThaKu.4/2024 dated 07.08.2024 passed by the 3rd respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 30 days without escort to the detenue Arumugam S/o.sivasami age about 54 years convict No.22479 confined at Central Prison, Trichy.

For Petitioner : Mr.S.Manoharan

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

### **ORDER**

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

Heard both sides.

2. The petitioner's son Arumugam (Convict No.22479) is undergoing life sentence in Central Prison, Trichy. The petitioner seeks 30 days leave without escort. His request was rejected by the third respondent vide proceedings dated 07.08.2024. Challenging the same, this writ petition came to be filed.



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3. The learned Additional Public Prosecutor would point out that the petitioner's son was found guilty of offence of murder for gain. He had also jumped bail. He is also involved in other cases in other Districts.

4. Taking note of all these aspects, we are not inclined to grant ordinary leave to the convict. However, taking into account the special facts pleaded by the petitioner's counsel, we grant emergency leave to the convict for a period of 7 days under double escort.

5. Accordingly, the convict prisoner is granted emergency leave for 7 days with double escort on the following conditions :-

(a) The convict prisoner, Arumugam S/o.Sivasami [Convict Prisoner No.22479], now detained in the Central Prison, Trichy, is granted emergency leave for seven (7) days from 26.11.2024 to 02.12.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 25.11.2024 and he shall return to the prison at 5.00 p.m., on 03.12.2024.



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(c)The third respondent is directed to provide double 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.

6. With the above direction, the Writ Petition stands allowed. No costs.

**(G.R.S., J.)      (R.P., J.)**  
**18.11.2024**

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

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**NOTE:Issue Order Copy on 19.11.2024**



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To  
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- 1.The Secretary to Government of Tamil Nadu,  
Home Department,  
Fort St.George,  
Chennai-600 009.
- 2.The Deputy Inspector General of Prison,  
Trichy Range,  
Trichy Central Prison,  
Trichy-620 020.
- 3.The Superintendent,  
Trichy Central Prison,  
Trichy-620 020.
- 4.The Superintendent of Police,  
District Police Office,  
Perambalur-621 212.
- 5.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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06.11.2024