



W.P(MD) No.26865 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18.11.2024

CORAM

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

W.P(MD) No.26865 of 2024

Pappammal

... 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 Mandamus directing the respondent Nos.1 and 2 to grant ordinary leave for the period of 30 days



W.P(MD) No.26865 of 2024

to the petitioner's son namely P. Kutty Kumar (CP No.4846) who is convicted for life imprisonment in Murder Case and is languishing Central Prison, Madurai for the past 13 years by considering the petitioners representation dated on 17.10.2024.

For Petitioner : Mr.R.Vignesh

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 Kutty Kumar (CP No.4846) is undergoing life sentence in Central Prison, Madurai. The petitioner seeks ordinary leave for her son.

3. The learned Additional Public Prosecutor submitted that the petitioner's son absconded when he was granted leave in the year 2013. He was secured only after a lapse of four years thereafter.



W.P(MD) No.26865 of 2024

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4. We are therefore of the view that the convict can be given only emergency leave. The petitioner is said to be very ill. Hence, emergency leave for 15 days is granted without escort for the petitioner's son.

5. Accordingly, the convict-prisoner is granted emergency leave for 15 days without escort on the following conditions :-

(a) The convict prisoner, Kutty Kumar S/o. Paramasivam [CP No.4846], now detained in the Central Prison, Madurai, is granted emergency leave for Fifteen (15) days from 26.11.2024 to 10.12.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 25.11.2024 and he shall return back to the prison at 5.00 p.m., on 11.12.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Uthamapalayam Police Station, Theni District, daily at 10.00 a.m., from 26.11.2024 onwards, without fail.

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



W.P(MD) No.26865 of 2024

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

To

- 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.



W.P(MD) No.26865 of 2024

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The Inspector of Police,
Uthamapalayam Police Station,
Theni District.



W.P(MD) No.26865 of 2024

G.R.SWAMINATHAN, J.
AND
R.POORNIMA, J.

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W.P(MD) No.26865 of 2024

18.11.2024