



WEB COPY



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W.P.(MD)NO.27056 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.27056 of 2024

Vijayalakshmi

... 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,
Madurai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to grant ordinary leave to the period of 30 days to the petitioner's brother namely Kannan (CP No.6099) who is convicted by the learned 5th Additional District and Sessions Judge, Madurai in S.C.No.491 of 2017 under Section 302 IPC and sentenced to life imprisonment with Rs.5,000/- fine on 23.12.2021 is languishing in the



Central Prison, Madurai for the past 7 years by considering the petitioner's representation dated 17.10.2024.

For Petitioner : Mr.R.Vignesh

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 brother (LCT No.6099) is undergoing life imprisonment in Central Prison, Madurai. The petitioner seeks ordinary leave for her brother by citing the cancerous condition of the mother.

3. This writ petition has been filed for directing the first respondent to consider the application.

4. During the pendency of the writ petition, the request was rejected vide order dated 12.11.2024.



5. The learned Additional Public Prosecutor points out that the

judgment of conviction and sentence was pronounced on 23.12.2021.

The convict had not completed three years as of now.

6. It is well settled that the period entitling the convict to seek ordinary leave will have to be reckoned only from the date of judgment. Since three years is not over, the convict is not entitled to ordinary leave. That apart, his criminal appeal is also pending before this Court. However taking note of the overall facts and circumstances of this case, we grant five days emergency leave for the convict.

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

(a) The convict prisoner, Kannan, S/o.Raji [Convict Prisoner No.6099], now detained in the Central Prison, Madurai, is granted emergency leave for five (5) days from 18.11.2024 to 24.11.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 18.11.2024 and he shall return to the prison at 5.00 p.m., on 24.11.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Keeraithurai police station, Madurai, daily at 10.00 a.m., from 19.11.2024 onwards, without fail.



(c)The second respondent is directed to provide single 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.

8. This writ petition is disposed of accordingly. No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
14th November 2024

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



To:

WEB COPY

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

Copy to :

The Inspector of Police,
Keeraithurai police station,
Madurai.



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G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

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