



W.P(MD) No.27476 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.27476 of 2024

P.Jothimurugan

... 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,
New Jail Road,
Arasaradi,
Madurai.

3.The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul.

... 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 the impugned order passed by the second respondent in No.2193/ThaKu.2/2024 dated 04.11.2024 and quash the same as bad in law and further directing the respondents 1 and 2 to extend the ordinary leave granted to petitioner from 06.11.2024 to 21.11.2024 for further 15 days.

For Petitioner : Mr.SMA.Jinnah

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

ORDER

Heard both sides.

2.The petitioner was convicted for the offences under Section POCSO Act, 2012 vide judgment dated 02.01.2024 and sentenced to 7 years of Rigorous Imprisonment. The petitioner was granted 9 days ordinary leave. He sought extension. The Jail Superintendent vide communication dated 04.11.2024 informed the petitioner that he lacks the jurisdiction to grant extension of leave. Challenging the same, this Writ Petition came to be filed.



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3.The learned counsel for the petitioner reiterated the contentions set out in the affidavit filed in support of this Writ Petition. He pointed out that the petitioner's daughter suffered from acute appendicitis and that operation was required and that is why extension of leave was sought.

4.We are not swayed by the submissions of the learned counsel for the petitioner. The learned Additional Public Prosecutor pointed out that the petitioner had not completed two years and that therefore he is not eligible for ordinary leave. However, ordinary leave was erroneously granted on the last occasion.

5.Be that as it may, it is seen that the petitioner had enjoyed as many as 32 days leave (both ordinary and emergency) this year. It is also submitted that the petitioner's daughter had already undergone surgery. Emergency situation no longer subsists.



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6.This Writ Petition stands dismissed. There shall be no order as to costs.

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

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

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,
New Jail Road,
Arasaradi,
Madurai.
- 3.The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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