



W.P(MD) No.27511 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 25.11.2024

CORAM

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

W.P(MD) No.27511 of 2024

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... 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.

... Respondents

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 relating to the impugned order in RO-MDU/733/2024-G2, dated 25.10.2024 on the file of the first respondent and quash the same as bad in law and further direct the respondents 1 &



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2 to grant ordinary leave for the period of 30 days to the petitioner's husband namely Karnan who is convicted for 10 years in NDPS Act case in C.C.No.185 of 2022 and languishing Central Prison, Madurai for the past four years by considering the petitioner's representation dated 07.10.2024.

For Petitioner : Mr.M.A.Khadar Sheriff
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 husband was convicted for possessing commercial quantity of narcotic substance and sentenced to 10 years imprisonment in C.C.No.185 of 2022 and the appeal is pending before this Court. Apart from this case, few other cases are still pending against the petitioner's husband. The petitioner is said to be suffering from cancer. She therefore wanted ordinary leave for her husband. Her



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request was rejected. Challenging the same, this writ petition has been filed.

3. As rightly pointed out by the learned Additional Public Prosecutor, Rule 21 (h) of Tamil Nadu Suspension of Sentence Rules, 1982 will come in the way.

4. However, taking into account the overall facts and circumstances, we grant 7 days emergency leave for the petitioner's husband. Accordingly, the prisoner is granted emergency leave for 7 days with double escort on the following conditions :-

(a)The prisoner, Karnan now detained in the Central Prison, Madurai, is granted emergency leave for 7 days from 02.12.2024 to 08.12.2024.

(b) The prisoner shall be released from the prison at 05.00 pm., on 01.12.2024 and he shall return to the prison at 10.00 a.m., on 09.12.2024.

(c)The second 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.



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

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

(G.R.S., J.) (R.P., J.)
25.11.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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Note: Issue Order Copy on 26.11.2024.

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 Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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