



W.P(MD)No.27909 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.11.2024

CORAM

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

W.P(MD)No.27909 of 2024

Latha Ramesh

... Petitioner

Vs.

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

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

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

4.The Superintendent of Police,
Office of Superintendent of Police,
Trichy - 620 020.

... 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 pertaining to the Impugned Order bearing No.RO-TRYN 423/Mu.Vu/2024, dated 30.09.2024, passed by the



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2nd respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 3 months without escort to Kamaraj, S/o.Kaliyamoorthi, aged about 47 years, bearing Convict No.23097 (PID No.122050), confined at Central Prison, Trichy.

For Petitioner : Mr.S.Manoharan

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

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The petitioner is the sister of a life convict (Convict No.23097). The convict is in jail for more than four years. He is entitled to 21 days ordinary leave. The convict has suffered amputation in one of his legs. He wants to take treatment in a private hospital.

3.We find the reason projected in the writ petition is to be reasonable. The only reason for negating his request is the pendency of SLP before the Hon'ble Supreme Court. It has been held in more than one case that notwithstanding such pendency, the Writ Court exercising its constitutional powers can grant leave to the convict.



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4.In this view of the matter, the order impugned in the writ petition

is set aside and the writ petition is allowed on the following conditions:-

(a)The convict-prisoner, Kamaraj, S/o.Kaliyamoorthy [Convict No.23097] now detained in the Central Prison, Trichy is granted ordinary leave from 27.11.2024 to 19.12.2024 without escort.

(b) The convict prisoner shall be released from the prison at 05.00 p.m., on 27.11.2024 and he shall return to the prison at 10.00 a.m., on 19.12.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Thillai Nagar Police Station, Trichy District once in a week from 27.11.2024 onwards, without fail.

(d) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual. No costs.

**(G.R.S. J.,) & (R.P. J.,)
22.11.2024**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 25.11.2024.



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WEB COPY To:-

- 1.The Secretary to Government of Tamil Nadu,
Department of Home, Fort St.George,
Chennai - 600 009.
- 2.The Deputy Inspector General of Prison,
Trichy Range, Trichy - 620 020.
- 3.The Superintendent,
Central Prison,
Trichy - 620 020.
- 4.The Superintendent of Police,
Office of Superintendent of Police,
Trichy - 620 020.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:-

The Inspector of Police,
Thillai Nagar Police Station,
Trichy District.



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and
R.POORNIMA, J.**

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