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W.P.(MD)NO.27740 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.27740 of 2024

Tamilselvi

... Petitioner /
Wife of the petitioner

Vs.

1. The Deputy Inspector General of Prison,
Madurai Zone,
Madurai Central Prison,
Madurai – 625 016.

2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli – 627 002.

3. The Superintendent of Police,
O/o.the Superintendent of Police,
Tirunelveli.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to modify his order dated 30.09.2024 in No.608/UTHA. 2/2024 to grant ordinary leave for 28 days without escort to the petitioner's husband Muthupandi, S/o.Sootusami, LCT No.4075, serving sentence at Palayamkottai Central Prison.



For Petitioner : Mr.R.Narayanan
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 husband is undergoing ten years Rigorous Imprisonment in Central Prison, Palayamkottai. He was convicted for the offence under Section 376(2)(1) IPC. The petitioner is said to be suffering from certain serious ailments. Certain arrangements are to be made to provide for her livelihood. Therefore, the petitioner sought ordinary leave for her husband. The petitioner's husband has already spent six years and ten months. In fact, the authority granted ordinary leave. But then, the convict was to be escorted. Aggrieved by the said condition, the present writ petition has been filed.

3.The petitioner's counsel states that the convict will not enter the victim's village limits. It is also undertaken that the convict will sign before the Inspector of Police, Chinnakovilankulam police station daily at 10.00 am.



4. Since the convict had agreed to abide by these two conditions, the conditions to provide escort can be dispensed with. In this view of the matter, the impugned order is accordingly modified and this writ petition stands allowed in the following terms:-

(a) The convict-prisoner, Muthupandi, S/o. Sootusami [Convict-Prisoner No.4075], now detained in the Central Prison, Palayamkottai is granted ordinary leave for twenty eight (28) days from **23.11.2024 to 22.12.2024**. He shall be released from the prison at 5.00 p.m., on 23.11.2024 and he shall return to the prison at 10.00 a.m., on 22.12.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Chinnakovilankulam Police Station, Sankarankovil, Tenkasi District, daily at 10.00 a.m., from 24.11.2024 onwards, without fail.

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



7.With the above direction, the Writ Petition stands allowed.

WEB COPY No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
20th November 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

Note : Issue order copy on 21.11.2024.

To:

1. The Deputy Inspector General of Prison,
Madurai Zone,
Madurai Central Prison,
Madurai – 625 016.
2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli – 627 002.
3. The Superintendent of Police,
O/o.the Superintendent of Police,
Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to :

The Inspector of Police,
Chinnakovilankulam police station,
Sankarankovil,
Tenkasi District.



WEB COPY



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AND

R.POORNIMA, J.

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