



W.P(MD) No.27880 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 26.11.2024

CORAM

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

W.P(MD) No.27880 of 2024

Shanthi

... Petitioner

Vs

- 1.The State rep. by its
Principal Secretary to Government,
Home, Prohibition & Excise (Prison-IV) Department,
Fort St.George,
Chennai-600 009.
- 2.The Director General of Prisons
and Correctional Services,
O/o.Tamil Nadu Prisons Headquarters,
Whannels Road,
Egmore, Chennai-600 008.
- 3.The Deputy Inspector General of Prisons,
Trichy Range,
Race Course Road,
Trichy-620 023.
- 4.The Superintendent of Prisons,
Central Prison,
Trichy-620 020.



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5.The Superintendent of Police,
District Police Office,
Pudukkottai District-622 001.

... 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 passed by the third respondent vide her proceedings in No.RO-TRY/512/MuVu/2024, dated 04.11.2024 and quash the same as illegal and void, consequently, grant 21 days ordinary leave without police escort to the petitioner's son namely Sathish S/o.Rethinam (Convict No.22995, P.I.D No.161939) now confined at Central Prison, Tiruchirappalli, forthwith considering the petitioner's representation dated 30.09.2024.

For Petitioner : Mr.C.Karthikeyan

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 son Sathish (Convict No.22995) is undergoing life imprisonment in Central Prison, Trichy. Claiming that the



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petitioner's husband is suffering from liver failure, ordinary leave was sought for her son. Since the petitioner's son had not completed three years of imprisonment from the date of Judgment, her request was rightly rejected.

3. The learned counsel for the petitioner states that this Court can consider granting emergency leave.

4. Even while sustaining the impugned order, taking into account the special facts and circumstances of this case, we grant emergency leave for her son. Accordingly, the Convict-prisoner is granted emergency leave for six days with double escort on the following conditions :-

(a)The Convict-prisoner, Sathish S/o.Rethinam now detained in the Central Prison, Trichy, is granted emergency leave for 6 days from 02.12.2024 to 07.12.2024.

(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 08.12.2024.

(c)The fourth 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



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involved in providing escort shall be deducted from out of the earnings of the convict.

(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.)
26.11.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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NOTE: Issue Order Copy on 28.11.2024

To

1. The Principal Secretary to Government,
Home, Prohibition & Excise (Prison-IV) Department,
Fort St. George,
Chennai-600 009.

2. The Director General of Prisons
and Correctional Services,
O/o. Tamil Nadu Prisons Headquarters,
Whannels Road,
Egmore, Chennai-600 008.



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- 3.The Deputy Inspector General of Prisons,
Trichy Range,
Race Course Road,
Trichy-620 023.
- 4.The Superintendent of Prisons,
Central Prison,
Trichy-620 020.
- 5.The Superintendent of Police,
District Police Office,
Pudukkottai District-622 001.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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