



W.P.(MD).No.26784 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.02.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD).No.26784 of 2023

Rajathi

.. Petitioner/Wife of the Prisoner

Vs.

The State represented by its,
1.The Deputy Inspector General of Prison,
Madurai Range,
Madurai – 625 001.

2.The Superintendent of Prison,
Central Prison,
Palayamkottai – 627 007.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to grant ordinary leave of 28 days to petitioner's husband, the life convict prisoner, namely, Sivakandan, LCT No.4645, presently detained at Central Prison, Palayamkottai, considering petitioner's representation dated 06.10.2023.



W.P.(MD).No.26784 of 2023

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The present Writ Petition is filed by the wife of the life convict seeking ordinary leave of 28 days for her husband, which according to her, he is eligible to avail.

2. Pending her representation to the prison authorities, the petitioner has filed the present Writ Petition seeking Mandamus to direct the respondents to grant ordinary leave to her husband.

3. The learned Additional Public Prosecutor appearing for the respondents submitted that the prison authorities have passed the proceedings dated 29.11.2023, permitting the petitioner's husband to avail 21 days of ordinary leave with escort on condition to furnish own bond with two sureties for a sum of Rs.500/- each.



W.P.(MD).No.26784 of 2023

4. The learned counsel appearing for the petitioner submits that the petitioner's husband, before the judgment of conviction, was on bail for ten years and after conviction, he is in prison for more than 3½ years. Hence, there is no threat to his life or threat to anybody by him and therefore, the condition that the convict must avail the ordinary leave with escort may be modified.

5. The learned Additional Public Prosecutor submits that though there is no adverse report by the Probation Officer for the safety and security of the convict, escort is necessary.

6. After considering the submissions made on either side, this Court is of the view that the respondents/prison authorities shall permit the petitioner's husband, namely, Sivakandan to avail 21 days of ordinary leave without escort. However, the bond condition shall remain unaltered and the petitioner's husband shall report before the Kottar Police Station, Nagercoil, Kanyakumari District, daily at 4.30 PM till he surrenders on expiry of the leave period.



W.P.(MD).No.26784 of 2023

WEB COPY 7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

(G.J.,J.) (C.K.,J.)
21.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1.The Deputy Inspector General of Prison,
Madurai Range,
Madurai – 625 001.

2.The Superintendent of Prison,
Central Prison,
Palayamkottai – 627 007.



WEB COPY



W.P.(MD).No.26784 of 2023

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

Lm

W.P.(MD).No.26784 of 2023

21.02.2024