



W.P(MD)No.27890 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.27890 of 2024

Sathaga Sounthram

... Petitioner

Vs.

1. The Additional Director General of Police (Prison),
Chennai.

2.The Superintendent,
Central Prison, 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 pertaining to the Impugned Order in No.E379154/Thaku2/2024, dated 09.10.2024 passed by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to release the petitioner's son namely, Sathish Kumar, S/o.Sathaga Sounthram (C.P. No.6111) on ordinary leave / emergency leave for 30 days, for arranging medical expenses of his wife.

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



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ORDER

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

Heard both sides.

2.The petitioner is the father of the convict. The petitioner's son is undergoing life sentence in Central Prison, Madurai (Convict No.6111). The petitioner seeks leave (emergency / ordinary) for his son. The petitioner's request was rejected vide order dated 09.10.2024. The same is put to challenge in this writ petition.

3.We are satisfied that a case for grant of emergency leave has been made out. The learned Additional Public Prosecutor points out that the petitioner's son was granted ten days emergency leave with escort recently. A convict is entitled to 15 days emergency leave per year. Since the petitioner's son had already exhausted ten days emergency leave, we are of the view that he can be granted five more days of emergency leave.



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4.The order impugned in this writ petition is set aside and the writ

petition is allowed on the following conditions:-

(a)The convict-prisoner, Sathish Kumar, S/o.Sathaga Sounthram [Convict No.6111] now detained in the Central Prison, Madurai is granted emergency leave from 27.11.2024 to 03.12.2024 with double 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 03.12.2024.

(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.

(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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To:-

1. The Additional Director General of Police (Prison),
Chennai.
2. The Superintendent,
Central Prison,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.**

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