



W.P(MD) No.28092 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 03.12.2024

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

W.P(MD) No.28092 of 2024

D.Bakiyam

... Petitioner

Vs

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



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5.The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul District.

6.The Superintendent of Police,
O/o.The Superintendent of Police,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certioraified Mandamus to call for the records relating to the impugned order passed by the fourth respondent vide proceedings in No.24484/Thaku.4/2024, dated 05.11.2024 and quash the same as illegal and consequently, direct the respondents to grant 40 days ordinary leave without police escort to the petitioner's son namely Karthikeyan S/o.Dhas @ Thulasidhas, Life Convict bearing Convict Prisoner No.21122, PID No.13184, confined at Central Prison, Trichy.

For Petitioner : Mr.K.A.S.Prabhu

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

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.



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2. The petitioner's son is undergoing life sentence in Central Prison, Trichy. He has so far spent more than 9 years and 7 months in prison. He is eligible for 28 days ordinary leave. The petitioner is said to be suffering from cardiac related ailments.

3. We are satisfied with the reasons set out in the affidavit filed in support of the writ petition. The authorities have denied the petitioner's request on the ground that reasons set out in the leave application is not genuine. Considering the long incarceration undergone by the petitioner's son, we are of the view that relief can be granted. The impugned order is set aside.

5. Accordingly, the convict-prisoner is granted ordinary leave for 28 days without escort on the following conditions :-

(a) The convict prisoner, Karthikeyan S/o.Dhas @ Thulasidhas [Convict Prisoner No.21122], now detained in the Central Prison, Trichy, is granted ordinary leave for twenty one (28) days from 07.12.2024 to 03.01.2025.

(b) The convict prisoner shall be released from the prison at 05.00 p.m., on 06.12.2024 and he shall return to the prison at 10.00 am., on 04.01.2025.



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(c) During the said leave period, he shall report before the Inspector of Police, K.K.Nagar Police Station, Trichy District, daily at 07.00 a.m., & 07.00 pm., from 07.12.2024 onwards, without fail.

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

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

No costs.

(G.R.S., J.) (R.P., J.)
03.12.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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NOTE: Issue Order Copy on 04.12.2024

To

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

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- 2.The Director General of Prisons,
O/o.Tamil Nadu Prisons Headquarters,
Whannels Road, Egmore,
Chennai-600 008.
- 3.The Deputy Inspector General of Prisons
and Correctional Services,
Trichy Range, Race Course Road,
Trichy-620 023.
- 4.The Superintendent of Prison,
Central Prison,
Trichy-620 020.
- 5.The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul District.
- 6.The Superintendent of Police,
O/o.The Superintendent of Police,
Trichy District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Inspector of Police,
K.K.Nagar Police Station,
Trichy.



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AND
R.POORNIMA, J.

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