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W.P.(MD)NO.28563 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.28563 of 2024

Divya

... Petitioner/ Wife of the detenu

Vs.

1. The State rep. By its,
The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai – 600 009.
2. The Deputy Inspector General of Prison,
Trichy Range,
Trichy – 620 020.
3. The Superintendent,
Central Prison,
Trichy – 620 020.
4. The Superintendent of Police,
O/o.the Superintendent of Police,
Trichy – 620 020.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, directing the respondents to grant ordinary leave for 30 days without escort to the detenu Raja, S/o.Sekar, aged about 39 years, bearing convict No.23838 now confined at Central Prison, Trichy.



For Petitioner : Mr.S.Manoharan

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 (Raja) is undergoing life sentence at Central Prison, Trichy (Convict Prisoner No.23838). He has so far spent 3 years and 3 months in prison. He is entitled to 21 days ordinary leave.

3. Though this writ petition has been filed in the nature of writ of mandamus, considering the special facts and circumstances of this case, we direct the third respondent to grant 21 days ordinary leave without escort for the petitioner's husband. This writ petition stands allowed in the following terms:-

(a)The convict prisoner, Raja,

S/o.Sekar[Convict Prisoner No.23838], now detained in the Central Prison, Trichy, is granted ordinary leave without escort for twenty one (21) days from 10.12.2024



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to 30.12.2024.

(b) The convict prisoner shall be released from the prison at 5.00 p.m., on 09.12.2024 and he shall return to the prison at 10.00 a.m., on 31.12.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Thillai Nagar police station, Trichy daily twice at 7.00 a.m., and 7.00 p.m., from 10.12.2024 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.

No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
2nd December 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



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To:

1. The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai – 600 009.
2. The Deputy Inspector General of Prison,
Trichy Range,
Trichy – 620 020.
3. The Superintendent,
Central Prison,
Trichy – 620 020.
4. The Superintendent of Police,
O/o.the Superintendent of Police,
Trichy – 620 020.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to :

The Inspector of Police,
Thillai Nagar police station,
Trichy.



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AND

R.POORNIMA, J.

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