



W.P(MD)No.28511 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.11.2024

CORAM

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

W.P(MD)No.28511 of 2024

Bala

... Petitioner

Vs.

1.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of
Prison and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.

2.The Superintendent of Prison,
Central Jail, Palayamkottai,
Tirunelveli District.

3.The Superintendent of Police,
O/o. the Superintendent of Police,
Tirunelveli.

... 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 passed by the Respondent No.1 in No.609/Vu.Tha.2/2024 dated 09.11.2024 quash the



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same as bad in law and further directing the respondents to grant ordinary leave to the period of 30 days to the petitioner's husband namely, Komban S/o.Isakki Devar by considering the petitioner's representation dated on 12.08.2024.

For Petitioner : Mr.S.M.A.Jinnah

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

ORDER

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

Heard both sides.

2.The petitioner's husband / Komban @ Kombaiya (Convict No. 6350) is undergoing life sentence in Central Prison, Palayamkottai. Apart from the murder case in which he was convicted and sentenced, two other cases are pending against him. An NDPS case was registered against him in the year 2020 for possessing intermediate quantity of ganja.



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3.It is seen that the convict was given 21 days ordinary leave without escort vide order dated 30.10.2023 in W.P.(MD)No.24925 of 2023. It is seen that the convict returned to the prison promptly on the expiry of the leave period. It is this past conduct of the convict, that impels us to consider his case with indulgence. Otherwise, on account of pendency of NDPS case, we would have been inclined to reject the petitioner's request.

4.In this view of the matter, the order impugned in this writ petition is set aside and the writ petition is allowed on the following conditions:-

(a)The convict-prisoner, Komban @ Kombaiya S/o.Isakki Devar [Convict No.6350] now detained in the Central Prison, Palayamkottai is granted ordinary leave from 05.12.2024 to 25.12.2024 without escort.

(b) The convict prisoner shall be released from the prison at 05.00 p.m., on 04.12.2024 and he shall return to the prison at 10.00 a.m., on 26.12.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Pettai Patti Police Station, Tirunelveli District District daily at 07.00 a.m., and 07.00 p.m., from 05.12.2024 onwards, without fail.



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(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.)
29.11.2024**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 02.12.2024.

To:-

- 1.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of
Prison and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.
- 2.The Superintendent of Prison,
Central Jail, Palayamkottai,
Tirunelveli District.
- 3.The Superintendent of Police,
O/o. the Superintendent of Police,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Copy to:
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The Inspector of Police,
Pettai Patti Police Station,
Tirunelveli District.



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

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