



W.P(MD) No.28965 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06.12.2024

CORAM

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

W.P(MD) No.28965 of 2024

T.Sahayamary

... 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 CPMDU/2534/2024/Thaku2/2024, dated 12.09.2024 passed by the second respondent and quash the same as illegal and consequently, direct the second respondent to release the petitioner's father namely Thomas Selvam (C.P.No.6263) on ordinary leave / emergency leave for 30 days for arranging medical expenses of the petitioner's father.

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

ORDER

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

Heard both sides.

2. The petitioner's father is undergoing life sentence in Central Prison, Madurai. The petitioner is said to be having some serious medical ailment. She therefore seeks ordinary leave for her father.

3. The learned Additional Public Prosecutor states that the petitioner's father has so far spent less than two years in prison. Therefore, he is not entitled to ordinary leave.

4. Considering the special facts and circumstances, the petitioner's father is granted 8 days emergency leave without escort. Accordingly, the convict-prisoner is granted emergency leave for 8 days without escort on the following conditions :-



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(a) The convict prisoner, Thomas Selvam [CP No. 6263], now detained in the Central Prison, Madurai, is granted emergency leave for eight (8) days from 12.12.2024 to 19.12.2024.

(b) The convict prisoner shall be released from the prison at 5.00 p.m., on 11.12.2024 and he shall return back to the prison at 10.00 a.m., on 20.12.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Dindigul Town Police Station, Dindigul District, daily at 07.00 a.m., & 07.00 p.m., from 12.12.2024 onwards, without fail.

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

5. With the above direction, the Writ Petition stands allowed. No costs.

(G.R.S., J.) (R.P., J.)
06.12.2024

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

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NOTE: Issue Order Copy on 09.12.2024

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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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R.POORNIMA, J.

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