



W.P(MD) No.29787 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 11.12.2024

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

W.P(MD) No.29787 of 2024

Karthika

... Petitioner

Vs

- 1.The Secretary to Government,
Home Department (Prison),
Government of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai-9.
- 2.The Additional Director General of Police (Prisons)/
The Inspector General of Police,
Office of ADGP (Prisons)/I.G of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore,
Chennai-8.
- 3.The Deputy Inspector General of Prisons,
Prisons and Correctional Services Department,
Madurai Range,
Madurai.
- 4.The Superintendent of Prison,
Central Prison, Madurai.

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5.The Superintendent of Police,
Namakkal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to grant 21 days ordinary leave without escort to the petitioner's husband namely Selvaraj S/o.Duraisami a life convict prisoner (C.P.No.6108) now confined at Central Prison, Madurai for the purpose of attending serious illness of his mother and further to arrange medical expenses for his mother by considering her representation dated 20.11.2024.

For Petitioner : Mr.S.Srikanth

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 husband is undergoing life sentence in Central Prison, Madurai. He has so far spent two years and nine months in prison. Therefore, he is not eligible for ordinary leave.



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3. However, taking into account the special facts and circumstances set out in the affidavit filed in support of this petition, we direct the fourth respondent to grant seven days emergency leave for the petitioner's husband. Since the case in which the petitioner's husband was convicted is a highly sensitive one, we direct that the petitioner's husband shall be accompanied by double escort. The Commissioner of Police, Madurai City is directed to provide escorts for the petitioner's husband.

4. Accordingly, the convict prisoner is granted emergency leave for 7 days with double escort on the following conditions :-

(a) The convict prisoner, Selvaraj S/o.Duraisami [C.P.No.6108], now detained in the Central Prison, Madurai, is granted emergency leave for seven (7) days from 16.12.2024 to 22.12.2024.

(b) The convict prisoner shall be released from the prison at 5.00 p.m., on 15.12.2024 and he shall return to the prison at 10.00 a.m., on 23.12.2024.



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(c)The fourth 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.

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

(G.R.S., J.) (R.P., J.)
11.12.2024

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

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- 5.The Superintendent of Police,
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- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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