



W.P(MD)No.31253 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P(MD)No.31253 of 2023

and

W.M.P(MD)No.26776 of 2023

Rajambal

... Petitioner/mother of the detenu

Vs.

The State represented by its,

1.The Secretary to the 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.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order No.9114/Tha.Ku.4/2023 passed by the third respondent dated 25.10.2023 and quash the same and consequently direct the respondents to grant emergency leave of 15 days without escort to the petitioner's son, the detenu, Solai Ganesan, S/o.Solai,



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aged about 44 years, convict prisoner bearing Convict No.24219 detained at Central Prison, Trichy.

For Petitioner : Mr.S.Manoharan
For Respondents : Mr.S.Ravi,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This writ petition has been filed challenging the impugned order No.9114/Tha.Ku.4/2023 passed by the third respondent, dated 25.10.2023 and consequently direct the respondents to grant emergency leave of 15 days without escort to the petitioner's son, the detenu, Solai Ganesan, S/o.Solai, aged about 44 years, convict prisoner bearing Convict No.24219 detained at Central Prison, Trichy.

2. The learned Additional Public Prosecutor appearing for the State, on instructions, would submit that earlier when the detenu moved petitions for suspension of sentence, this Court dismissed the said petitions and finally, in CrI.M.P(MD)No.386 of 2023 in CrI.A(MD)No.525 of 2022, this Court vide order, dated 03.02.2023, has dismissed the petition and has directed the Registry to list the main appeal on 21.02.2023. Since the main criminal appeal is not listed for hearing, the petitioner has filed the present writ petition to circumvent the earlier orders passed by this Court.



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3. This Court perused the affidavit filed in support of this writ petition.

In the affidavit, none of the dismissal orders passed by this Court has been stated. Suppressing the facts, the petitioner has filed this writ petition, which is a clear abuse of process of law. Hence, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed.

[J.N.B.,J.] & [K.K.R.K.,J.]

08.01.2024

Index :Yes/No

NCC :Yes/No

pm

To

1.The Secretary to the 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 Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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J.NISHA BANU, J.
AND
K.K.RAMAKRISHNAN, J.

pm

ORDER MADE IN
W.P(MD)No.31253 of 2023

08.01.2024