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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.02.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD) No.45 of 2024

Chellammal

... Petitioner

-VS-

- 1.The State, represented by
The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai -600 009.
- 2.The Deputy Inspector General of Police(Prison),
Madurai Range,
Madurai.
- 3.The Superintendent of Police,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the second respondent in proceedings No.2120/Uu.Tha.2/2023 as illegal and to quash the same



and consequently to direct the respondents to grant ordinary leave for 28 days without escort to the Petitioner's husband namely, Sankaranarayanan, son of Paramadevar, aged about 56 years, Life Convict Prisoner bearing Convict No.LCT.No.3833 detained at Central Prison, Palayamkottai.

For Petitioner : Mr.M.Thangadurai

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

ORDER

DR.G.JAYACHANDRAN,J.
AND
C.KUMARAPPAN,J.

The wife of the convict sought for 28 days ordinary leave to her husband stating that her husband is not in good health.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents/State submitted that the Probationary Officer has made a local enquiry and



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on enquiry, has found that the Petitioner's husband is in good health and therefore, the reasons stated for ordinary leave is not genuine. Based on the Probationary Officer's report, the request of the Petitioner for granting ordinary leave was rejected and the said rejection order is under challenge in the present Writ Petition.

4.A detailed counter has been filed by the second respondent stating the ground on which the request of the Petitioner was rejected. From the counter, this Court finds that except stating the wrong reason for ordinary leave, otherwise, the convict is entitled for ordinary leave, since the Petitioner's husband has already undergone seven and a half years of imprisonment.

5.In the said circumstances, this Court is of the view that it is suffice to dispose of the Writ Petition, with a direction to the Petitioner to make a fresh application to the Prison authorities along with proper medical certificate about her husband's ailment. If such application is made, the prison authorities shall consider the same in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of request/application from the Petitioner.



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6. With the above directions, the Writ Petition stands disposed of. There is no order as to costs.

[G.J.,J.]

[C.K.,J.]

28.02.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To:

1. The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai -600 009.
2. The Deputy Inspector General of Police (Prison),
Madurai Range,
Madurai.
3. The Superintendent of Police,
Palayamkottai Central Prison,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.G.JAYACHANDRAN,J.
AND
C.KUMARAPPAN,J.

vsn

ORDER MADE IN
W.P.(MD) No.45 of 2024

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