



W.P(MD) No.29964 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 10.12.2024

CORAM

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

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Nagarajan

... Petitioner

Vs

1.The Deputy Inspector General of Prison,
Correctional Services, Madurai Range,
Central Prison,
New Jail Road,
Madurai.

2.The Superintendent of Prison,
O/o.The Superintendent of Prison,
Central Prison,
New Jail Road,
Madurai District.

3.The Superintendent of Police,
O/o.Superintendent of Police,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to



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call for the records pertaining the impugned order passed by the second respondent in No.6011/தகு.2/2024, dated 28.11.2024 and quash the same as bad in law and further directing the respondents to grant emergency leave to the petitioner's son for a period of 15 days who is a life convict prisoner namely Srinivasan S/o.Nagarajan C.P.No.6011 by considering the petitioner's representation dated 22.10.2024.

For Petitioner : Mr.SMA.Jinnah

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 son is undergoing life sentence in Central Prison, Madurai. He has already spent four years in prison. The convict is entitled to 21 days ordinary leave. It has already been availed for the current year. The wife of the petitioner passed away last year. The first death anniversary ceremony is to be held at Ramanathapuram. The petitioner therefore sought emergency leave for his son. The authority denied the said request on the ground that for such reasons, emergency leave is normally not granted.

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3.However, taking into account the special facts and circumstances, we are of the view that emergency leave for three days can be granted. In this view of the matter, the impugned order is set aside. The petitioner's son (convict) is granted three days emergency leave without escort.

4. Accordingly, the convict-prisoner is granted emergency leave for 3 days without escort on the following conditions :-

(a)The convict prisoner, Srinivasan S/o.Nagarajan [C.P.No.6011], now detained in the Central Prison, Madurai, is granted emergency leave for 3 days from 11.12.2024 to 13.12.2024.

(b) The convict prisoner shall be released from the prison at 05.00 p.m., on 10.12.2024 and he shall return to the prison at 10.00 am., on 14.12.2024.

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



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

(G.R.S., J.) (R.P., J.)
10.12.2024

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

NOTE: Issue Order Copy on 10.12.2024

To

1. The Deputy Inspector General of Prison,
Correctional Services, Madurai Range,
Central Prison,
New Jail Road,
Madurai.
2. The Superintendent of Prison,
O/o. The Superintendent of Prison,
Central Prison,
New Jail Road,
Madurai District.
3. The Superintendent of Police,
O/o. Superintendent of Police,
Theni District.

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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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