



W.P(MD)No.30095 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.12.2024

CORAM

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

W.P(MD)No.30095 of 2024

R.Suganya

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home, Prohibition and Excise (Prison IV) Department,
Secretariat, Fort St. George, Chennai – 600 009.
 - 2.The Director General of Prisons,
Office of the Tamil Nadu Prisons Headquarters,
Whannels Road, Egmore, Chennai - 600 008.
 - 3.The Deputy Inspector General of Prisons
and Correctional Services,
Trichy Range, Race Course Road,
Trichy - 620 023.
 - 4.The Superintendent,
Central Prison,
Trichy - 620 020.
 - 5.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruchirappalli District.
- ... Respondents



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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 relating to the impugned order passed by the 3rd Respondent vide proceedings in No.ROTRY/597/Mu Vu/2024 dated 04.12.2024 and quash the same as illegal and consequently direct the respondents to grant 30 days ordinary leave without police escort to the petitioner's brother namely, Karthi @ Karthikeyan, S/o.Singaram @ Rengasamy, Life Convict, bearing Convict Prisoner No.23905, PID No.375354 confined at Central Prison, Trichy.

For Petitioner : Mr.KA.S.Prabhu

For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The petitioner's brother is undergoing life sentence in Central Prison, Trichy. The petitioner seeks ordinary leave for her brother in order to finalise their property transaction.



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3.It is not in dispute that the petitioner's brother has already spent more than three years in prison. He is therefore eligible for a grant of ordinary leave.

4.The learned Additional Public Prosecutor submitted that since the criminal appeal filed by the convict is pending before this court, he cannot demand ordinary leave as a matter of right.

5.The learned Additional Public Prosecutor is technically right. But then, it has been held in many cases that the rule impediment need not come in the way of the Constitutional Court from exercising its power.

6.We are satisfied that a case for grant of leave has been made out. We direct the fourth respondent to grant ten (10) days ordinary leave in favour of the convict without escort.



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5.The writ petition is allowed on the following conditions:-

(a)The convict-prisoner, Karthi @ Karthikeyan, S/o.Singaram @ Rengasamy, [Convict Prisoner No.23905] now detained at Central Prison, Trichy is granted ordinary leave for ten (10) days from 19.12.2024 to 28.12.2024 without escort.

(b) The convict prisoner shall be released from the prison at 05.00 p.m., on 18.12.2024 and he shall return to the prison at 10.00 a.m., on 29.12.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Somarasampetti Police Station, Trichy District daily at 07.00 a.m., and 07.00 p.m., from 19.12.2024 onwards, without fail.

(d) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual. No costs.

**(G.R.S. J.) & (R.P. J.)
13.12.2024**

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

Issue order copy on 16.12.2024.



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To:-
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1. The Principal Secretary to Government,
Home, Prohibition and Excise (Prison IV) Department,
Secretariat, Fort St. George, Chennai – 600 009.
2. The Director General of Prisons,
Office of the Tamil Nadu Prisons Headquarters,
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3. The Deputy Inspector General of Prisons
and Correctional Services,
Trichy Range, Race Course Road,
Trichy - 620 023.
4. The Superintendent,
Central Prison,
Trichy - 620 020.
5. The Superintendent of Police,
Office of the Superintendent of Police,
Tiruchirappalli District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Inspector of Police,
Somarasampettai Police Station,
Trichy District.



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**G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.**

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