



W.P(MD)No.30047 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.30047 of 2024
and
W.M.P.(MD)No.25308 of 2024**

K.Marimuthu

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home Department, Secretariat,
Chennai – 600 009.

2.The Deputy Inspector of General of Prison,
Madurai Range, Madurai.

3.The Superintendent of Prison,
Central Prison, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd Respondent through his proceedings No.525/Vu.Tha.2/2024 dated 12.09.2024 quash the same and consequently directing the respondents to grant ordinary leave without escort to the petitioner's brother namely



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Mahendran @ Auto Mahendran, S/o.Karuppa Thevar, now confined in Central Prison, Madurai as Prisoner No.1295 for a period of one month.

For Petitioner : Mr.A.S.Abul Kalaam Azad,
For M/s.Spicy Law Firm.

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 earlier filed W.P.(MD)No.23503 2024 seeking ordinary leave without escort for his convict's brother. The petitioner submitted before us that he is in need of renal transplantation and that his convict brother has come forward to donate his kidney. We disposed of the said writ petition vide order dated 04.11.2024 by directing the Dean, Government Rajaji Hospital, Madurai to conduct necessary tests to find out the compatibility between the petitioner and his brother. Pursuant to our direction, tests were conducted. It was found out that the convict's



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argon is not compatible for the petitioner. Now the petitioner's wife is going to the donor.

3.We are therefore of the view that there is no need to grant leave either ordinary or emergency leave in favour of the convict. The learned Additional Public Prosecutor draws our attention to catena of criminal cases in which the petitioner's brother is involved. He is said to be under the surveillance of Organised Crime Unit. As many as three murder cases are pending against the petitioner's brother.

4.In these circumstances, we are of the view that it would not be safe to grant leave to the petitioner's brother. The writ petition is dismissed. No costs.

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

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Home Department, Secretariat,
Chennai – 600 009.
- 2.The Deputy Inspector of General of Prison,
Madurai Range, Madurai.
- 3.The Superintendent of Prison,
Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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**G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.**

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