



W.P(MD) No.31242 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 20.12.2024

CORAM

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

W.P(MD) No.31242 of 2024

Kavitha

... Petitioner / Wife of the detenue

Vs

The State represented by its,

**1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai-600 009.**

**2.The Director Inspector General of Prison,
Madurai Range,
Madurai-625 001.**

**3.The Superintendent,
Palayamkottai Central Prison,
Palayamkottai-620 020.**

**4.The Superintendent of Police,
Office of Superintendent of Police,
Tirunelveli-627 002.**

... 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 Mandamus, to direct the respondents to grant ordinary leave for 40 days without escort to the detainee, Chelladurai S/o.Rajendran, life convict No.2260 prematurely confined at Central Prison, Palayamkottai.

For Petitioner : Mr.S.Manoharan

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 husband is undergoing life sentence in Central Prison, Palayamkottai. When he went on leave in the year 2019, he absconded and he was secured only after two years. During the relevant time, the rule position was that the convict prisoner who had absconded will not be entitled to ordinary leave for five years.

3. Even though we hold that the prisoner is not entitled to ordinary leave, considering the special facts and circumstances projected in the writ petition, we direct the third respondent to grant 15 days emergency



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leave in favour of the convict without escort.

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4. Accordingly, the convict-prisoner is granted emergency leave for 15 days without escort on the following conditions :-

(a) The convict prisoner, Chelladurai S/o.Rajendran (Convict No.2260) now detained in the Central Prison, Palayamkottai, is granted emergency leave for Fifteen (15) days from 22.12.2024 to 05.01.2025.

(b) The convict prisoner shall be released from the prison at 5.00 p.m., on 21.12.2024 and he shall return back to the prison at 10.00 a.m., on 06.01.2025.

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

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

(G.R.S., J.) (R.P., J.)
20.12.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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NOTE: Issue Order Copy on 20.12.2024



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To

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- 2.The Director Inspector General of Prison,
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Madurai-625 001.
- 3.The Superintendent,
Palayamkottai Central Prison,
Palayamkottai-620 020.
- 4.The Superintendent of Police,
Office of Superintendent of Police,
Tirunelveli-627 002.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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