



W.P(MD) No.31325 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.31325 of 2024
and
W.M.P.(MD)No.26228 of 2024**

Murugesan @ Kandhan

... Petitioner

Vs

- 1.The State rep. by its,
Principal Secretary to Government,
Home, Prohibition & Excise (Prison-IV) Department,
Fort St.George,
Chennai-600 009.
- 2.The Director General of Prisons and Correctional Services,
O/o.Tamil Nadu Prisons Headquarters,
Whannels Road,
Egmore, Chennai-600 008.
- 3.The Deputy Inspector General of Prisons,
Trichy Range,
Race Course Road,
Trichy-620 023.



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4.The Superintendent of Prisons,
Central Prison,
Trichy-620 020.

5.The Superintendent of Police,
District Police Office,
Pudukkottai-622 003.

... Respondents

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 third respondent vide his proceedings No.643/MuVu/2024, dated 16.12.2024 and quash the same as illegal and void and then consequently, grant 21 days ordinary leave without police escort to the petitioner's son namely Siva S/o.Murugesan @ Kandhan (C.P.No.22992-P.I.d.No.161936) confined at Central Prison, Trichy forthwith considering the representation dated 12.11.2024.

For Petitioner : Mr.C.Karthikeyan

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

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.



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2.The petitioner's son is undergoing life sentence in Central Prison, Trichy. The prisoner is yet to complete three years. He is therefore not eligible for ordinary leave. However, he has suffered amputation in one of his legs. The petitioner wants to give a proper treatment for his son since some complications appear to have developed. We therefore direct the fourth respondent to grant 10 days emergency leave for the petitioner's son without escort.

3. Accordingly, the convict-prisoner is granted emergency leave for 10 days without escort on the following conditions :-

(a)The convict prisoner, Siva S/o.Murugesan @ Kandhan (C.P.No.22992) now detained in the Central Prison, Trichy, is granted emergency leave for ten (10) days from 22.12.2024 to 31.12.2024.

(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 01.01.2025.

(c) During the said leave period, he shall report before the Inspector of Police, Annavasal Police Station, Pudukkottai District, daily at 05.00 p.m., from 22.12.2024 onwards, without fail.



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

4. With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(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
- 1.The Principal Secretary to Government,
Home, Prohibition & Excise (Prison-IV) Department,
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 - 2.The Director General of Prisons and Correctional Services,
O/o.Tamil Nadu Prisons Headquarters,
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 - 4.The Superintendent of Prisons,
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Trichy-620 020.
 - 5.The Superintendent of Police,
District Police Office,
Pudukkottai-622 003.
 - 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.POORNIMA, J.

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