



W.P(MD)No.111 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.01.2025

CORAM

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

W.P(MD)No.111 of 2025

B.Pavithra

... 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 Prison,
O/o.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 - 620 023.
- 5.The Superintendent of Police,
O/o. the Superintendent of Police,
Thanjavur 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.RO.TRY/652/MuVu/2024 dated 20.12.2024 and quash the same as illegal and consequently direct the respondents to grant 30 days Ordinary Leave without police escort to the petitioner's husband namely Balamurugan, S/o.Pakkirisamy, Life Convict, bearing Convict Prisoner No.23087, PID No.179762 confined at Central Prison, Trichy.

For Petitioner : Mr.K.A.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 husband is undergoing life sentence in Central Prison, Trichy. He has sofar spent three years and eleven months in prison. He is definitely entitled to 21 days ordinary leave per years. But then, the learned Additional Public Prosecutor points out that the petitioner's husband had gone on 21 days ordinary leave only in the month of July – August, 2024.



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3.The learned counsel for the petitioner tries to contend that it was only a case of emergency leave and not ordinary leave and that therefore, the question of reckoning one year therefrom does not arise.

4.We reject the said contention. Even though in the operative portion of the order of this Court, it had been typed as “emergency leave”, on a careful consideration of the orders in their entirety, we are satisfied that what was granted in favour of the convict was only 21 days ordinary leave in two installments.

5.Therefore, the convict cannot seek ordinary leave for one year from the last date when he went on ordinary leave. That is why, the petitioner's request was rightly rejected by the third respondent vide order dated 20.12.2024. The order impugned in the writ petition is confirmed.

6.However, taking note of the special and circumstances projected in the affidavit filed in support of the writ petition, we grant three days emergency leave for the convict without escort.



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

(a)The convict-prisoner, Balamurugan, S/o.Pakkirisamy, [Convict Prisoner No.23087] now detained at Central Prison, Trichy is granted emergency leave for three (3) days from 09.01.2025 to 11.01.2025 without escort.

(b) The convict prisoner shall be released from the prison at 05.00 p.m., on 08.01.2025 and he shall return to the prison at 10.00 a.m., on 12.01.2025.

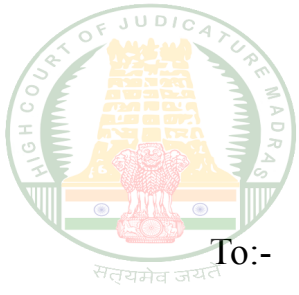
(c) During the said leave period, he shall report before the Inspector of Police, Sethubavachatram Police Station, Thanjavur District daily at 05.00 p.m., from 09.01.2025 onwards, without fail.

(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.)
06.01.2025

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

Issue order copy on 07.01.2025.



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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 Prison,
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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 - 620 023.
- 5.The Superintendent of Police,
O/o. the Superintendent of Police,
Thanjavur District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Inspector of Police,
Sethubavachatram Police Station,
Thanjavur District.



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