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W.P.(MD)NO.855 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.855 of 2025

Yoganathan

... 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,
O/o.Tamil Nadu Prison 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,
O/o.The Superintendent of Police,
Sivagangai District.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, 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/641/Mu U/2024 dated 28.11.2024 and quash the same as illegal and consequently direct the respondents to grant 28 days Ordinary Leave without police escort to the petitioner namely Yoganathan, S/o.Malairaj, Life Covict, bearing Convict Prisoner No.21205, PID No.34977 confined at Central Prison, Trichy.

For Petitioner : Mr.K.A.S.Prabhu

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

* * *

ORDER

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

Heard both sides.

2. The petitioner (Yoganathan) is undergoing life sentence at Central Prison, Trichy (Convict Prisoner No.21205). He has so far spent more than 9 years and 3 months in prison. He is eligible for 28 days ordinary leave.



3. The learned Additional Public Prosecutor submitted that the petitioner was involved in three murder cases which were also politically sensitive.

4. We directed the petitioner to indicate the place other than Sivagangai District where he will spend the leave period. The petitioner's counsel took time to get instructions. The petitioner states that he will stay at Paramakudi Taluk, Ramanathapuram District. The petitioner's counsel has given the following address also:-

“No.1/2, Arungulam Village,
Kulanthapurai Panchayat,
Paramakudi Taluk,
Ramanathapuram District.”

The petitioner gives an undertaking before this Court that during the leave period he will not enter the limits of Sivagangai District.

3. Recording the said undertaking, the ordinary leave for 28 days is granted without escort. The impugned order is accordingly set aside and this writ petition stands allowed in the following terms:-



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(a)The convict prisoner, Yoganathan[Convict Prisoner No.21205], now detained in the Central Prison, Trichy, is granted ordinary leave without escort for twenty eight (28) days from 27.01.2025 to 23.02.2025.

(b) The convict prisoner shall be released from the prison at 5.00 pm., on 26.01.2025 and he shall return to the prison at 10.00 am., on 24.02.2025.

(c) During the said leave period, he shall report before the Inspector of Police, Parthibanur police station, Ramanathapuram District daily at 7.00 p.m., from 27.01.2025 onwards, without fail.

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

7.With the above direction, the Writ Petition stands allowed.

No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
23rd January 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



Note : Issue order copy on 24.01.2025.

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To:

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,
O/o.Tamil Nadu Prison Headquarters,
Whannels Road, Egmore,
Chennai – 600 008.
3. The Deputy Inspector General of
Prisons and Correctional Services,
Trichy Range, Race Course Road,
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4. The Superintendent,
Central Prison,
Trichy – 620 020.
5. The Superintendent of Police,
O/o.The Superintendent of Police,
Sivagangai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to :

The Inspector of Police,
Parthibanur police station,



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G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

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23.01.2025