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W.P.(MD)NO.3095 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.3095 of 2025

Selvi

... Petitioner / Wife of the prisoner
Vs.

1. The Deputy Inspector General of Prison,
Madurai Zone,
Madurai – 625 016.
 2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli – 627 007.
 3. The Superintendent of Police,
O/o.the Superintendent of Police,
Tirunelveli.
- ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order of the first respondent dated 04.01.2025 in reference No.974.UTHA.2/2024 and quash the same and consequently directing the respondents to grant ordinary leave for one month without escort to the lift convict prisoner, petitioner's husband namely, Issac, S/o.Ramaiya bearing lift convict No.4686, detained at Central Prison, Palayamkottai.



For Petitioner : Mr.R.Narayanan

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For Respondents : Mr.T.Senthilkumar,
Additional Public Prosecutor.

* * *

ORDER

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

Heard both sides.

2. The petitioner's husband (Issac) is undergoing life sentence at Central Prison, Palayamkottai(Convict Prisoner No.4686). He has already spent four years. The petitioner is said to be suffering from illness. On this medical ground, ordinary leave was sought. It was rejected by the first respondent on the ground that SLP filed by the prisoner is pending before the Hon'ble Supreme Court.

3. We have consistently held that pendency of SLP need not come in the way of the constitutional Court from exercising discretion for granting ordinary leave. In this view of the matter, the impugned order passed by the first respondent is set aside. We direct the second respondent to grant 21 days ordinary leave without escort to the convict prisoner. This writ petition is allowed on the following terms:-



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(a)The convict prisoner Issac[Convict Prisoner No.4686], now detained in the Central Prison, Palayamkottai, is granted ordinary leave without escort for twenty one (21) days from 05.02.2025 to 25.02.2025.

(b) The convict prisoner shall be released from the prison at 5.00 pm., on 04.02.2025 and he shall return to the prison at 10.00 am., on 26.02.2025.

(c) During the said leave period, he shall report before the Inspector of Police, Veravanallur police station, daily at 7.00 p.m., from 05.02.2025 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.)

31st January 2025

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU



To:
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1. The Deputy Inspector General of Prison,
Madurai Zone,
Madurai – 625 016.
2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli – 627 007.
3. The Superintendent of Police,
O/o.the Superintendent of Police,
Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to :

The Inspector of Police,
Veravanallur police station,
Tirunelveli.



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AND

R.POORNIMA, J.

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