



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

W.P(MD)No.4670 of 2025

Muthulakshmi

... Petitioner

.Vs.

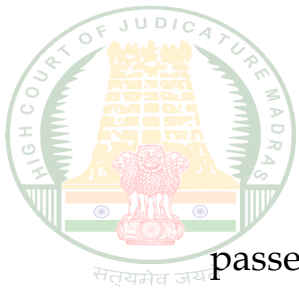
1.The Director General of Prison,
Directorate of the Central Prison,
Tamil Nadu Prison,
Veannels Road, Egmore,
Chennai-600 008.

2.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai Central Prison Campus,
Madurai City - 625 016.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai City - 625 016.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order



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passed by the second respondent vide his proceedings in NO. 132/Uo.tha.2/2024, dated 5.2.2025 and to quash the same as illegal and consequently to direct the second respondent to release the convict prisoner namely, Kalidoss, son of Senthurpandi, C.P.No. 5823, aged about 37 years on parole for a period of 30 days ordinary leave or the period fixed by this Court.

For Petitioner : Mr.J.Vijayaraja

For Respondents : Mr.A.Thiruvadi Kumar
Addl.Public Prosecutor

ORDER

DR.G.JAYACHANDRAN., J
AND
R.POORNIMA.,J

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the second respondent vide his proceedings in NO.132/Uo.tha.2/2024, dated 5.2.2025 and to quash the same as illegal and consequently to direct the second respondent to release the convict prisoner namely, Kalidoss, son of Senthurpandi, C.P.No.5823, aged about 37 years on parole for a period of 30 days ordinary leave or the period fixed by this Court.



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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The impugned order indicates that the life convict had involved in a case registered in Crime No.67 of 2022, for the offence under Sections 294(b), 324 and 506(ii) of IPC., while he was in parole in an earlier occasion. Therefore the request for 30 days ordinary leave to attend the ailing mother and to arrange for the future of the convict's children has been rejected vide proceedings, dated 5.2.2025.

4. The learned counsel for the Petitioner submitted that even after the case registered in Cr.No.67/2022, the life convict was granted leave by this Court in W.P(MD)No.13002 of 2024, dated 3.7.2024 for a period of ten days and the convict had duly reported before the Jail Authorities after expiry of the leave period without any blemish. Therefore, the pendency of the case registered for the offence under Sections 294(b), 324 and 506(ii) of IPC cannot be a bar to grant leave. He also submitted that the said case had already been disposed of in view of Petition filed under Section 320 of Cr.P.C by the Petitioner's son.

5. To verify the said fact, this Court adjourned the matter.



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The learned Additional Public Prosecutor as well as the learned counsel for the Petitioner had furnished a copy of the judgment passed by the District Munsif cum Judicial Magistrate, Kamuthi in C.C.NO.102/2023, dated 26.06.2023 arising out of Crime No. 67/2022.

6.A perusal of the judgment indicates that the Petition filed under Section 320 Cr.P.C was dismissed by the learned Magistrate on 31.5.2023, however, the learned Judge recorded the evidence of prosecution witness and find that accused not guilty and rendered a acquittal judgment on 26.6.2023.

7.Considering the fact that on the date of considering the leave application, there is no criminal case pending against the convict. While so, citing the case which had already been disposed of is not a proper reason for rejecting the application. Therefore this Court finds that the order, dated 5.2.2025 passed by the Prison Authorities which is impugned in this Writ Petition is liable to be quashed and accordingly quashed. The respondents are directed to consider the representation, dated 16.12.2024 afresh and pass orders within a period of two weeks from today.

8.With the above direction, the Writ Petition is allowed.



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[G.J.,J.] [R.P.,J.]
20.03.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

JUDGMENT MADE IN
W.P(MD)No.4670 of 2025

20.03.2025