



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2025

CORAM:

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

W.P(MD)No.8265 of 2025

Eswarithai

... Petitioner

.Vs.

1.The Principal Secretary,
Home(Prison) Department,
Secretariat,
Chennai- 600 009.

2.The Deputy Inspector General of Prison,
Madurai.

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

... 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 and to quash the impugned order No.224/U.Th.2/2024, dated 21.2.2025 passed by the second respondent and consequently to direct the respondents to grant 28



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days ordinary leave without escort to the Petitioner's husband namely Anthony @ Anthony Samy(C.P.No.LCT4710)(PID No. 298738) as per the Rule 20(i) and 22(2)(C) of the Tamil Nadu Suspension of Sentence Amendment Rules, 2022, who is confined at Central Prisaon, Palayamkottai.

For Petitioner : Mr.R.Vinoth Bharathi

For R1 to R3 : 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 to call for the records and to quash the impugned order No.224/U.Tha.2/2024, dated 21.02.2025 passed by the second respondent and consequently to direct the respondents to grant 28 days ordinary leave without escort to the Petitioner's husband namely, Anthony @ Anthony Samy(C.P.No.LCT4710)(PID No.298738) as per the Rule 20(i) and 22(2)(C) of the Tamil Nadu Suspension of Sentence Amendment Rules, 2022, who is confined at Central Prisaon, Palayamkottai.



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

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents 1 to 3/State states that the report from the Jurisdiction Police and the Probation Officer indicates that the life convict has told his relatives that he will not leave the persons, who are the cause for his conviction. Further, the health condition of the convict's mother is good. She is hale and healthy and carried out her day-to-day activities. Therefore, he had been granted leave with escort and avoid unwarranted incidents. The learned Additional Public Prosecutor would also submit that Poverty Certificate furnished will be duly considered and if it is a fit case and if the Jail Manual permits waiver of escort charges. But the circumstances of the case warrants that the convict cannot be granted leave without escort.

4. This Court finds that the impugned order is in consonance with the procedure established in law. If the life convict is not in a good financial position to meet out the escort charges, he has to make representation for waiver of escort charge but not for dispensing escort itself.



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5.For the reasons aforesaid, the Writ Petition stands dismissed.

[G.J.,J.] [R.P.,J.]
02.04.2025

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

To

1.The Principal Secretary,
Home(Prison) Department,
Secretariat,
Chennai- 600 009.

2.The Deputy Inspector General of Prison,
Madurai.

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.



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

vsn

JUDGMENT MADE IN
W.P(MD)No.8265 of 2025

02.04.2025