



W.P(MD)No.8758 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.04.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.P.(MD)No.8758 of 2025

and

W.M.P(MD)No. 6565 of 2025

S.Sasikala

... Petitioner

-Vs-

1. The State Represented by
The Principal Secretary to Government,
Home, Prohibition and Excise (Prison - IV) Department
Fort Saint George,
Chennai - 600 009.
2. The Director General of Prisons,
O/o. Tamil Nadu Prisons Headquarters,
Whannels Road, Egmore,
Chennai - 600 008.
4. The Deputy Inspector General of Prisons/
Trichy Range, Race Course Road
Trichy - 620 023.
5. The Superintendent of Prisons,
Borstal School and District Prison,
Pudukkottai - 622 001.
6. The Superintendent of Police,
District Police Office, Pudukkottai District - 622 001. ... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a ***Writ of Certiorarified Mandamus***, calling for the records relating to the Impugned Order passed by the 4th respondent vide proceedings in No.414/Ma.Ye/2024, dated 09.12.2024, and quash the same as illegal and void consequently grant 28 days ordinary leave without police escort to petitioner's husband Subramanian, S/o.Rengan at Mookkan (Convict Prisoner No. 414) now confined at Central Prison, Tiruchirappalli, forthwith considering the representation, dated 28.11.2024.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

The representation given on behalf of the life convict for 60 days leave on the health ground was rejected stating that the Prisoner Leave manual does not provide 60 days leave at a stretch. The said order is challenged in the writ petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the material documents available on record.

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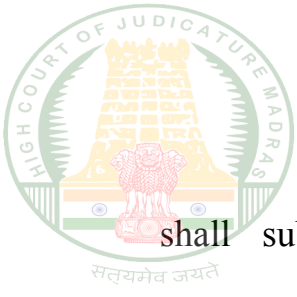


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3. The Learned counsel appearing for the petitioner states that the life convict had already undergone more than 11 years of imprisonment and he is presently suffering from Renal Calculi, for which surgery is required. Therefore, to admit him in a private hospital and to conduct surgery, two months leave was sought, but been rejected by the Superintendent of Prisons, Borstal School and District Prison, Pudukkottai stating that 60 days leave cannot be granted as per Prison Manual.

4. The Learned Additional Public Prosecutor appearing for the respondents states that, on health grounds, if an appropriate medical certificate is annexed and leave is sought, the request will be considered, and a maximum of 28 days leave can be granted in fit cases. Since the representation on behalf of life convict not been accompanied by any Medical certificate, it was rejected.

5. This Court after giving anxious consideration to the facts and circumstances of the case, *dispose off the Writ Petition* with direction to the Prison authorities to consider the fresh representation on behalf of the life convict for 28 days leave, if it is accompanied with adequate medical records for the said purpose, the Prison authorities shall on receipt of the representation obtain opinion from the Prison Doctor about the health condition of the life convict and



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shall submit to the Prison authorities for due consideration. The said representation to be disposed off, within a period of three weeks from the date of receipt of the representation. Consequently, connected miscellaneous petition is closed.

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

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NCC : Yes / No

Index : Yes / No

KSA



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