



WEB COPY

W.P.(MD) No.14726 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.05.2025

CORAM:

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

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P.Thavasikani

... Petitioner

-VS-

1.The Home Secretary
Home Department (Prison)
Secretariat, Fort St.George
Chennai-600 009

2.The Deputy Inspector
General of Prisons
Madurai Range
Madurai-625 001

3.The Superintendent of Prison
Central Prison
Palayamkottai-627 007

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the proceedings in No.396/UTHa.2/2025 by the second respondent dated 08.04.2025, quash the same consequently direct the respondents to grant 28 days ordinary leave without escort to the petitioner's brother, Raja @



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Ashokkumar, S/o.Paulpandian, Convict No.4644, PID No.239023, presently confined in Central Prison, Palayamkottai.

For Petitioner : Mr.P.M.Basil

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

ORDER

[Order of the Court was made by N.ANAND VENKATESH, J.]

This writ petition has been filed challenging the proceedings of the second respondent, bearing No.396/UTha.2/2025, dated 08.04.2025, and for a consequential direction to the respondents to grant 28 days ordinary leave without escort to the petitioner's brother, who is a life convict and presently lodged at Central Prison, Palayamkottai.

2. Heard Mr.P.M.Basil, learned counsel for the petitioner and Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the respondents.

3. The petitioner's brother was convicted for the offence under Sections 302, 148 and 149 read with 302 I.P.C. and sentenced to undergo life imprisonment for the offence under Section 302 I.P.C., and Section 149 read

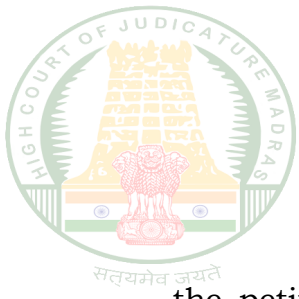


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with Section 302 I.P.C., and to undergo three years rigorous imprisonment for the offence under Section 148 I.P.C., by the learned Principal District and Sessions Judge, Tirunelveli, in S.C.No.600 of 2014, by Judgment dated 17.02.2020. The said conviction and sentence was confirmed by this Court in CrI.A.(MD) No.386 of 2021, by Judgment dated 08.11.2022 and it was further confirmed by the Apex Court. The petitioner's brother is presently undergoing the sentence at Central Prison, Palayamkottai.

4. The petitioner submitted a representation to the second respondent seeking ordinary leave without police escort for her brother in order to sell a property and to carry out repair works in the family house. In consideration of the said representation, the impugned proceedings dated 08.04.2025 came to be passed by the second respondent granting 28 days ordinary leave with police escort to the petitioner's brother. The main grievance expressed by the petitioner is with respect to the police escort that was made as a condition for the ordinary leave granted to the petitioner's brother.

5. It is brought to the notice of this Court that a report has been given by the Probation Officer, Nagercoil, wherein there are no adverse remarks against the petitioner's brother. Considering the purpose, for which



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the petitioner's brother is required, it will not be appropriate for the police escort to accompany the petitioner's brother.

6. In view of the above, we are inclined to modify the condition imposed by the second respondent in the impugned proceedings with respect to the police escort that was insisted during the ordinary leave period and instead, there shall be a direction to the petitioner's brother to report before the Inspector of Police, Nesamani Nagar Police Station, Kanyakumari District, daily at 05.30 p.m., during the entire period for which the petitioner's brother has been granted ordinary leave. The other conditions imposed shall stand as it is.

7. With the above direction, this writ petition is disposed of. No costs.

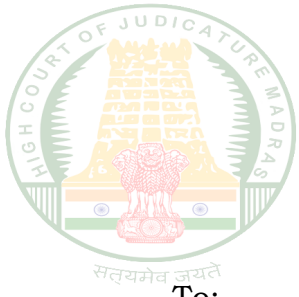
[N.A.V., J.] [L.V.G., J.]
28.05.2025
(2/2)

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

Note to Office:

Issue order copy by 29.05.2025.

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To:

- 1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Deputy Inspector
General of Prisons,
Madurai Range,
Madurai-625 001.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai-627 007.
- 4.The Inspector of Police,
Nesamani Nagar Police Station,
Kanyakumari District.



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AND
L.VICTORIA GOWRI, J.

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