



W.P.Crl(MD)No.341 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

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Arunbaskar

.. Petitioner

-Vs-

1. The Deputy Inspector General of Prison,
O/o. the Deputy Inspector General of Prison and Correctional Services,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road, Madurai.

2. The Superintendent of Prison,
Central Jail,
New Jail Road,
Madurai.

3. The Commissioner of Police,
O/o.The Commissioner of Police,
Trichy.

4. The Inspector of Police,
Central Bureau of Investigation,
III Floor, E.V.K.Building,
College Road,
Chennai - 600 006.

.. Respondents



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[R4 is Impleaded as per the Order of this Court dated 21.07.2025 in WMP.Crl(MD)No.163/2025 in WP.Crl.(MD)No.341 of 2025 by ADJCJ & RPJ]

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Impugned Order in 261785/Thaku.2/2025 dated 10.06.2025 and quash the same and further direct the respondents to grant emergency leave to the period of 15 days to the petitioner's father namely, Kanagarajan, son of Baskaran, who is the convict prisoner in a cheating case in C.P.No.9195 and languishing in Central Prison, Madurai for the past 1½ years by considering the petitioner's representation dated 03.06.2025.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor for R1 to R3

: Mr.M.Karunanithi
Special Public Prosecutor for R4

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

Challenge is made to the order dated 10.06.2025 in No.261785/Thaku.2/2025, passed by the 2nd respondent rejecting the grant of emergency leave to the convict prisoner.



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2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor and the learned Special Public Prosecutor appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that earlier the convict prisoner was granted ordinary leave for 21 days by this Court and during such time, the convict prisoner was allowed to go without escort and thereby he prays for without escort.

4. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the petitioner was convicted by this Court vide judgement dated 22.11.2023 in CrI.A.(MD)No.386 of 2016 and the appeal in SLP.CrI.No.3788 of 2024 filed by him was dismissed by the Hon'ble Apex Court on 03.05.2024. After conviction, as on 27.06.2025, the convict prisoner has completed one year 7 months in prison. The convict prisoner had previously availed ordinary leave for 21 days from 31.01.2025 to 22.02.2025. During the previous year, the convict prisoner was granted emergency leave from 03.09.2024 to 08.09.2024 for a period of six days pursuant to the order passed by this Court in W.P.(MD)No.19537 of 2024 dated 14.08.2024. He would further submit that the convict prisoner has not produced



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any certificate to show that his mother is critically or seriously ill and thereby the request for leave has been rejected.

5. Per contra, the learned counsel for the petitioner would submit that the petitioner has now enclosed the certificate of the doctor and he would seek for leave.

6. Mr.M.Karunanithi, learned Special Public Prosecutor appearing for the fourth respondent CBI, would object for grant of leave to the convict prisoner.

7. Though the petitioner has exhausted his ordinary leave and emergency leave during the last year, it would not denude the powers of this Court to grant emergency leave for the present year.

6. Accordingly the respondents are directed to grant emergency leave to the convict prisoner for six days without escort. During the leave period, the convict prisoner shall appear before the Inspector of Police, Srirengam Police Station, everyday at 07.00 p.m., without fail during the leave period.



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7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

[A.D.J.C., J.] & [R.P., J.]
29.07.2025

NCC : Yes / No
Index : Yes / No
NCC : Yes/No
PJJ

Note: Issue order copy on 31.07.2025

To

1. The Deputy Inspector General of Prison,
O/o. the Deputy Inspector General of Prison and Correctional Services,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road, Madurai.

2. The Superintendent of Prison,
Central Jail,
New Jail Road,
Madurai.

3. The Commissioner of Police,
O/o. The Commissioner of Police,
Trichy.

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A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

PJL

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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