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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Thirty First day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
AND
The Hon`ble Mr.Justice K. RAJASEKAR

WMP(MD). No.14752 of 2024
in
WP(MD) No.13943 of 2024

A.Ramapriya

...Petitioner/Petitioner

Vs

1 The Secretary to Government,
Home Department (Prison),
Government of Tamilnadu,
Secretariat, St. George Fort,
Chennai - 9.

2 The Additional Director General of Police (Prisons)/
The Inspector General of Police ,
Office of ADGP (Prisons) / I.G.Of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore, Chennai.

3 The Deputy Inspector General Of Prisons,
Prisons and Correctional Services Department,
Madurai Range, Madurai.

4 The Superintendent of Prison,
Central Prison, Madurai.

... Respondents/Respondents



Prayer in WMP(MD) No.14752 of 2024:-

The Writ Miscellaneous Petition is filed under Article 226 of Constitution of India, to extend the emergency leave granted to the petitioner's husband, Arun Kumar S/o.late.Natarajan a life convict prisoner now confined at Central Prison, Madurai for an additional period of 10 days vide order dated W.P.(MD).No.13943 of 2024 dated 10.07.2024.

Prayer in WP(MD). 13943/ 2024:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in respect of impugned order passed by the third respondent in No. 208/Vu.Tha.2/2024 dated 19.06.2024 and quash the same and consequently direct the respondents to grant one month emergency leave without escort to petitioners husband namely Arun Kumar S/o. Late. Natarajan, a life convict prisoner now confined at Central Prison, Madurai for the purpose of partition and to admit petitioners son in school.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Srikanth For M/s, APN Law Associates, Advocate



for the Petitioner and of Mr.A.Thiruvadikumar, Additional Public Prosecutor, for the respondent(s), this Court made the following order:

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Petition is filed to extend the emergency leave granted by this Court in W.P.(MD)No.13943 of 2024, dated 10.07.2024.

2. The learned counsel appearing for the petitioner would submit that this Court by order, dated 10.07.2024 had granted emergency leave for a period of 6 days without escort. As per the order of this Court, the petitioner's husband came from the Central Prison, Madurai on 13.07.2024. Leave was granted for the reason to transfer the property to the petitioner's name which actually stands in the name of the prisoner's father and also to mobilize the funds to admit their son in School, but within the time of 6 days, the same has not been completed and thereby, the petitioner has filed the present petition for extension of emergency leave for 10 days.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the emergency leave can be granted only for 15 days for a year, that too, not at a stretch and it can be for 4 spells of 3 days + 3 days + 3 days + another 6 days. The petitioner had been already granted 6 days emergency leave and thereby would object for grant of 10 days emergency leave.

4. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record including the medical certificates.



5. Considering the facts and circumstances of the case and also considering the fact that the execution of document is pending, this Court is inclined to direct the third respondent to grant emergency leave for a period of three (3) days to the convict prisoner without escort.

6. In the result,

(i) The Writ Miscellaneous Petition is disposed of.

(iii) The convict prisoner namely Arun Kumar, S/o.Late.Natarajan, Central Prison, Madurai shall be granted emergency leave for a further period of 3 days.

(iv) He shall sign before the Judicial Magistrate No.I, Ramanathapuram everyday 10.30 a.m., during the leave period.

(v) He shall report back to the Superintendent of Prison, Central Prison, Madurai on completion of leave period.

(vi) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities.



(vii) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the jail manual.

(viii) No costs.

Sd/-

Assistant Registrar(T&P)

// True Copy //

/07/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

- 1 The Judicial Magistrate No.I, Ramanathapuram.
- 2 The Secretary to Government,
Home Department (Prison),
Government of Tamilnadu,
Secretariat, St. George Fort,
Chennai - 9.
- 3 The Additional Director General of Police (Prisons)/
The Inspector General of Police ,
Office of ADGP (Prisons) / I.G.Of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore, Chennai.
- 4 The Deputy Inspector General Of Prisons,
Prisons and Correctional Services Department,
Madurai Range, Madurai.
- 5 The Superintendent of Prison,
Central Prison, Madurai.



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

ORDER DATED : 31/07/2024

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ORDER

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WMP(MD). No.14752 of 2024
in
WP(MD).No.13943 of 2024

Giving direction and etc.
as stated within.

MGJ(30.07.2024) 6P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023