

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

W.P.No.10420 of 2016

V.Vinodhini

W/o.Vasanth @ Vasantha Kumar

.. Petitioner

Vs.

1.The State Represented by
The Secretary to Government of Tamil Nadu
Department of Home
Fort St.George
Chennai - 600 009.

2.The Additional Director General of Prison
CMDA Towers
Egmore,
Chennai - 600 008.

3.The Superintendent of Prison
The Central Prison - I
Puzhal
Chennai.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to grant leave for 30 days to the petitioner husband, the detenue, Vasanth @ Vasantha Kumar, 31 years old, Convict No.2452, confined at Puzhal, Chennai.

For Petitioner : Mr.S.Manoharan

For Respondent : Mr.P.Sanjay Gandhi, A.G.P.,

O R D E R

The petitioner, who is the wife of life convict No.2452 confined at Puzhal, Chennai convicted for the offences punishable under Sections 302, 201, 304, 364, 392 r/w 397 IPC has come forward with the present Writ Petition praying for a writ of mandamus directing the respondents to grant leave for 30 days to her husband, the detenue, Vasanth @ Vasantha Kumar.

2. The learned counsel appearing for the petitioner would submit that out of wedlock with the detainee Vasanth @ Vansantha Kumar, the petitioner had given birth to a baby girl. The said child is now two years old and is suffering from congenital abnormalities in the eye. In order to facilitate treatment to the child and further, in order to complete the construction of the house, the petitioner has sought for 30 days leave to her husband, as per the provisions of the law.

3. It is further submitted that the petitioner has given a representation dated 07.11.2015 to the first and second respondents, however, no order has been passed till date. Hence, the petitioner has filed the present writ petition for the relief stated above.

4. Today, the learned Additional Government Pleader appearing for the respondents would submit that he has no objection to direct the second and third respondents to consider the representation of the petitioner dated 07.11.2015 and pass appropriate orders within the time stipulated by this Court.

5. Considering the rival submissions made by both sides and perused the typed set of papers.

6. Since the petitioner's husband is longing in jail for the offences punishable under Sections 302, 201, 304, 364, 392 r/w 397 IPC, the petitioner has given a representation dated 07.11.2015 seeking to grant 30 days leave to her husband in order to facilitate treatment to her child and in order to meet out the financial constraints to complete the construction of her house. However, as the said representation was not considered, she has come forward with the present writ petition.

7. Considering the facts and circumstances of the case, I am of the considered view that it would be appropriate to direct the second respondent to consider the representation dated 07.11.2015 and pass appropriate orders on merits and in accordance with law, within a period of 15 days from the date of receipt of a copy of this order.

8. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

pgp

To

1.The Secretary to Government of Tamil Nadu
Department of Home
Fort St.George
Chennai - 600 009.

2.The Additional Director General of Prison
CMDA Towers
Egmore,
Chennai - 600 008.

3.The Superintendent of Prison
The Central Prison - I
Puzhal
Chennai.

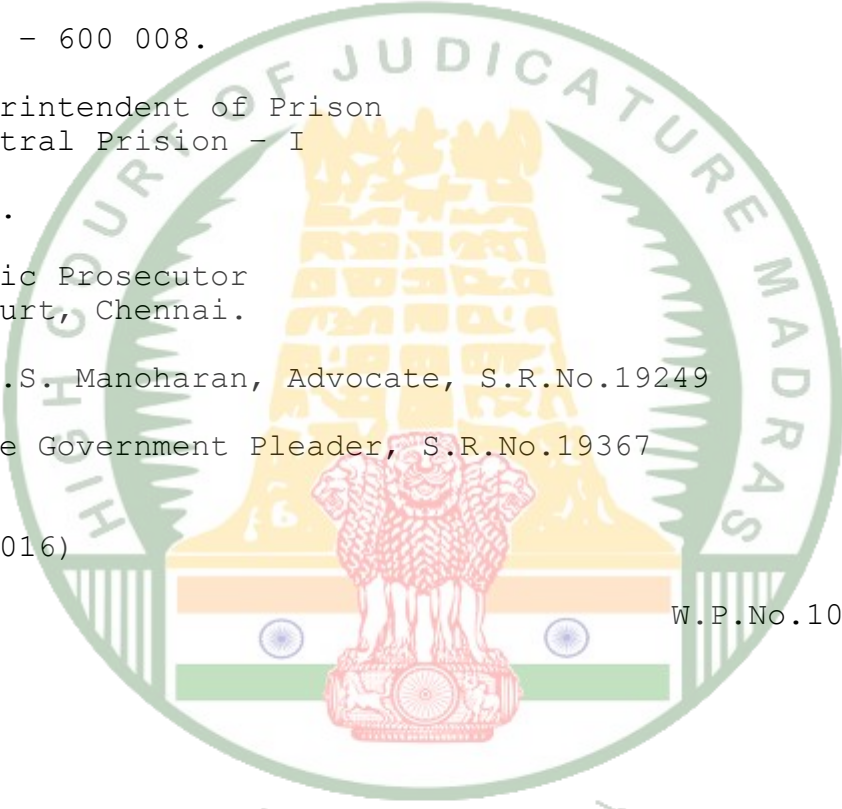
4.The Public Prosecutor
High Court, Chennai.

+1cc to Mr.S. Manoharan, Advocate, S.R.No.19249

+1cc to the Government Pleader, S.R.No.19367

GJ(CO)
EU(20/04/2016)

W.P.No.10420 of 2016



सत्यमेव जयते

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