



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2016

CORAM:

THE HONOURABLE Dr.JUSTICE S.VIMALA

WP (MD) No.10347 of 2016

Sathya

.. Petitioner

Vs.

1.The Additional Director General of Police (Prison),
Thalaimuthu Natarajan Maligai,
Egmore,
Chennai - 600 008.

2.The Superintendent of Prison,
Central Prison,
Trichirapalli.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to grant Emergency Leave to the petitioner's husband namely Sini @Sinivasan S/o. Maruthupandian, Life Convict Prisoner No.17296 who is now confined in Central Prison, Tiruchirapalli for a period of two weeks in connection with petitioner's delivery.

For Petitioner : Mr.K.M.Karunakaran
For respondents : Mr.D.Muruganandam
Addl.Govt.Pleader

ORDER

The writ petition is filed for issuance of a Writ of Mandamus, directing the respondents to grant emergency leave to the petitioner's husband, who is a life convict prisoner, now confined in Central Prison, Trichirapalli, for a period of two weeks.

2.Seeking such a relief, the petitioner has given a representation to the respondents on 02.06.2016. The petitioner has enclosed a copy of the certificate of Dr.Rathika Rani, stating that due date for delivery is around 15.06.2016 to 25.06.2016. The Doctor has given further opinion that presence of her husband during delivery is must to overcome the crisis period. The child is likely to born between 15.06.2016 to 25.06.2016 and therefore further time cannot granted to the respondents.

3.Heard the learned counsel for the petitioner and the learned Additional Government Pleader, for the respondents.

4.The learned Additional Government Pleader would submit that they are expecting the report of the Probation Officer.

5.Considering the facts and circumstances, this Court is not
<https://hcservices.mca.gov.in/hcservices/> further time to the respondents to pass further orders in view of emerging delivery, i.e., is likely to be between 15.06.2016 to 25.06.2016.



6. Under such circumstances, the second respondent/Superintendent of Central Prison, Trichirapalli is directed to release the husband of the petitioner by name Sini @ Sinivasan S/o. Maruthupandian, on emergency leave for ten days from Central Prison, Trichirapalli at 04:00 p.m. on 15.06.2016 after following the usual procedure and other safeguarding measures in accordance with the Prison manual and he shall be taken back to the Central Prison, Trichirapalli before 4.00 p.m. on 25.06.2016. The Superintendent of Central Prison, Trichirapalli/second respondent, shall provide utmost escort to the detenu from the Central Prison, Trichirapalli, from the time he leaves the Central Prison, Trichirapalli and till such time he is taken back to the Central Prison, Trichirapalli, on the said date and time as ordered by this Court. As the petitioner is in continuous custody, he cannot be directed to pay the costs. Hence, the Government shall bear the expenditure for providing escort to the husband of the petitioner.

7. The Writ Petition is disposed of with the above direction. No costs.

Sd/
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Additional Director General of Police (Prison),
Thalaimuthu Natarajan Maligai,
Egmore, Chennai - 600 008.

2. The Superintendent of Prison,
Central Prison,
Trichirapalli.

+1cc to Special Government Pleader in SR.No.30331

+1cc to M/S.K.M.Karunakaran, Advocate in SR.No.30082

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14.06.2016

mj

PA/AAL-MPA/SAR III/14.06.2016/2P/5C (IT)