



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.No.35865 of 2019

R.Manjula
W/o.C.Rajmohan

... Petitioner

Vs

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

2. The Additional Director General of Prison and
Inspector General of Prison
Whannels Road, Egmore
Chennai - 600 008

3. The Superintendent of Prison
Salem Central Prison
Salem District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to grant 15 days Emergency Leave to petitioner's husband namely C.Raj Mohan, S/o.Chandra Mohan (Prisoner No.6584) now confined in Central Prison, Salem for taking kidney transplantation treatment of his son namely Master Sanjay aged about 16 years and also taking Coronary artery treatment of detenu in pursuant to the medical records.

For Petitioner : Mr.M.Mohamed Saifulla
For Respondents: Mr.T.Shunmugarajeswaran,
Government Advocate

O R D E R

Petitioner/wife of C.Raj Mohan, S/o.Chandra Mohan, (Prisoner No.6584), now confined at Central Prison, Salem, has filed the present petition seeking a direction to the respondents to grant



15 days Emergency Leave to her husband by considering the petitioner's representation dated 10.12.2019.

2. Heard learned counsel for the petitioner and learned Government Advocate appearing for the respondents.

3. The petitioner is the wife of a convict prisoner by name C.Raj Mohan (Prisoner No.6584). He is presently confined in Central Prison, Salem. The son of the petitioner is having certain major renal issues and he has to undergo kidney transplantation. Therefore, the petitioner had earlier filed a Habeas Corpus Petition in H.C.P.No.1961 of 2019 seeking emergency leave for her husband. It was allowed on 19.09.2019 and the petitioner's husband came out on emergency leave, but the operation of the petitioner's son could not be arranged. Therefore, even though 30 days leave was granted, the petitioner's husband surrendered within 3 days.

4. The petitioner's counsel has enclosed certain medical records pertaining to petitioner's son and it appears that his life is virtually on life-support offered by medical equipments. Considering the condition of petitioner's son pleaded by the learned counsel for the petitioner and the fact that the Hon'ble Division Bench was pleased to favourably consider the petitioner's request on the earlier occasion, I am inclined to grant leave.

5. Therefore, the respondents are directed to give 15 days emergency leave to the petitioner's husband. Accordingly, this Court directs as follows:

- (a) Respondents are directed to release the petitioner's husband C.Raj Mohan, S/o.Chandra Mohan, (Prisoner No.6584), now confined at Central Prison, Salem, on emergency leave for a period of 15 days i.e., 03.01.2020 to 17.01.2020.
- (b) The petitioner's husband shall be released on 03.01.2020 at 10.00 a.m. and he shall be brought back to the Central Prison, Salem, on 17.01.2020 at 05.00 p.m.
- (c) Respondents are directed to follow the procedures prescribed in the prison manual for ensuring the safety and providing necessary security and escort facilities to the petitioner's husband during the period of leave.

6. The purpose of granting relief in this writ petition is to enable the petitioner's husband to be with his son at the time of taking treatment. The learned counsel for petitioner



points out that on the earlier occasion, the escort personnel have virtually confined the petitioner's husband in the house itself. The escort personal are directed to permit the petitioner's husband to be with the son at the time of taking treatment.

This writ petition is allowed on above terms. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gpa/mp

To

- 1.The Home Secretary (Prison)
Secretariat, Fort St. George
Chennai - 600 009
2. The Additional Director General of Prison and
Inspector General of Prison
Whannels Road, Egmore
Chennai - 600 008
3. The Superintendent of Prison
Salem Central Prison
Salem District
- 4.The Public Prosecutor,
Puducherry.

W.P.No.35865 of 2019

nr 02/01/2020