

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.2152 of 2021

M.Lakshmi

...Petitioner

.Vs.

1. The State of Tamil Nadu
Rep.by the Principal Secretary
to Government,
Home (Prison IV) Department,
Fort St.George,
Chennai 600 009.
2. The Director General of Prisons
Chennai Metropolitan Development
Authority Tower II,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.
3. The Superintendent
Central Prison,
Coimbatore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to grant 30 days emergency leave to petitioner's husband namely R.Mohan detained at Central Prison, Coimbatore based on her representation dated 05.01.2021.

For Petitioner : Mr.S.Kumaradevan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Writ Petition has been filed for the issue of a writ of mandamus directing the 3rd respondent to consider the representation made by the petitioner on 05.01.2021, wherein the petitioner has sought for Emergency Leave for her husband, who is a convict undergoing sentence at Central Prison, Coimbatore.

2.The petitioner made a representation to the 3rd respondent on the ground that she is suffering from very serious illness and she requires the immediate attention of her husband, who is a convict undergoing sentence at Central Prison, Coimbatore. According to the petitioner, she is suffering from a serious ailment which requires an immediate spinal surgery.

3.The husband of the petitioner is said to have undergone imprisonment only for a period of over two years as on today. Therefore, at the best he can only be considered for grant of Emergency Leave. One of the ground provided under Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982, for granting Emergency Leave is to attend serious illness of the wife. The maximum period of Emergency Leave is provided under Rule 13 of the Rules.

4.Taking into consideration the facts and circumstances of the case, there shall be a direction to the 3rd respondent to consider the representation made by the petitioner dated 05.01.2021 and grant six days Emergency Leave to the convict viz; R.Mohan, who is the husband of the petitioner. The petitioner is directed to make a fresh representation to the 3rd respondent in this regard by specifically indicating the dates on which the convict should be granted Emergency Leave. It is left open to the 3rd respondent to impose any reasonable conditions.

5.This Writ Petition is disposed of with the above directions. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

KP
To

1.The Principal Secretary
to Government,
The State of Tamil Nadu,
Home (Prison IV) Department,
Fort St.George,
Chennai 600 009.

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2.The Director General of Prisons
Chennai Metropolitan Development
Authority Tower II,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

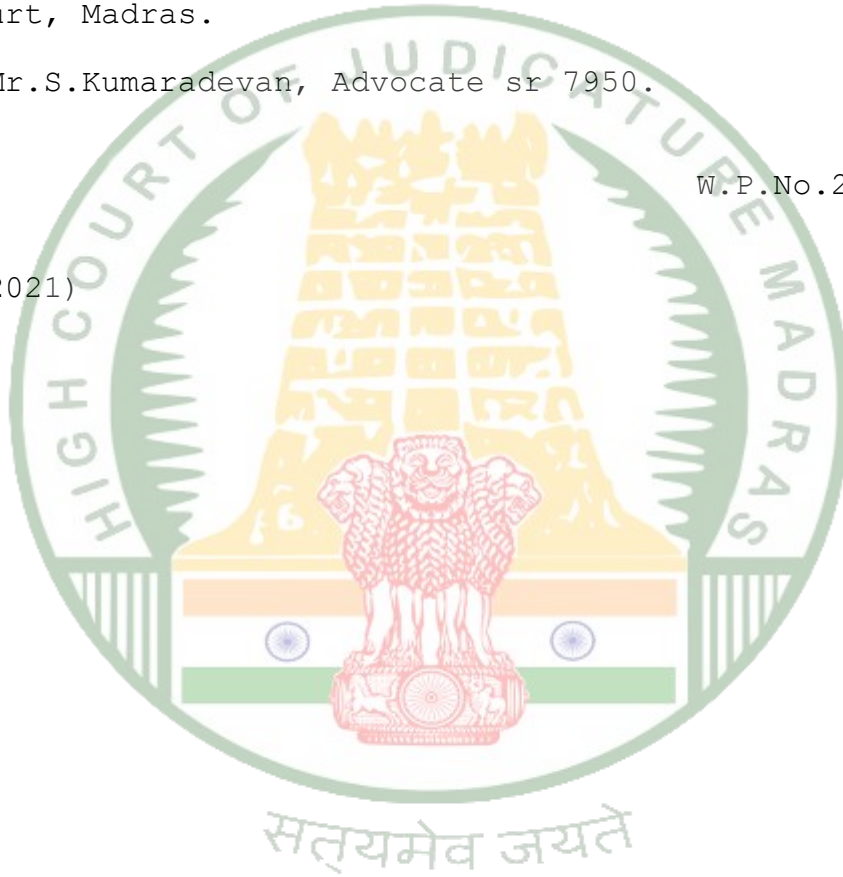
3.The Superintendent
Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Kumaradevan, Advocate sr 7950.

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GMI (CO)
SP(01/03/2021)



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