

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
WP No. 3154 of 2021

M.Devi

... Petitioner

vs.

1. The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Home (Prison IV) Department,
Fort St. George, Chennai 9.
2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai 8.
3. The Superintendent of Central Prison,
Central Prison,
Puzhal, Chennai 600 006.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to grant leave for 30 days to undergone medical surgery and for better treatment in private hospital of the petitioner's husband namely Murugan, S/o. Rangasamy at Central Prison, Puzhal, Chennai.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.M.Mohamad Riyaz
Additional Public Prosecutor

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O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 22.01.2021, wherein, the petitioner has sought for ordinary leave of 30 days for her husband, who is a life convict, in order to undergo a knee operation that has been recommended to set right an ACL Tear.

2. The learned Additional Public Prosecutor on instructions submitted that the convict has already availed of 15 days ordinary leave from 24.11.2020 to 08.12.2020. That apart, the life convict has also availed of 6 days emergency leave from 13.01.2021 to 20.01.2021. The learned Additional Public Prosecutor further submitted that the life convict will be entitled for 15 days ordinary leave, as per Rule 22 (2) of the Tamil Nadu Suspension of Sentence Rules, 1982. The learned Additional Public Prosecutor further submitted that the life convict will be entitled for 9 days emergency leave, since he has already availed 6 days during this year.

3. The learned counsel for the petitioner submitted that when the convict availed of the emergency leave during January 2021, he was diagnosed to have an ACL Tear and the Doctors have recommended for immediate surgery. The learned counsel submitted that the surgery has to be conducted immediately and hence the husband of the petitioner has to be granted ordinary leave.

4. Taking into consideration the facts and circumstances of the case and also the fact that the life convict will be entitled to avail the balance 15 days of ordinary leave, there shall be a direction to the third respondent to grant 15 clear days of ordinary leave to the life convict without escort.

5. The petitioner shall make a fresh representation to the third respondent along with a copy of this order and indicate the dates during which the ordinary leave is going to be availed. Immediately on receipt of the representation, the third respondent shall grant ordinary leave to the life convict, to enable him to undergo the operation and thereafter to surrender before the third respondent. It is left open to the third respondent to impose any reasonable conditions as may be necessary.

6. The Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VIII)

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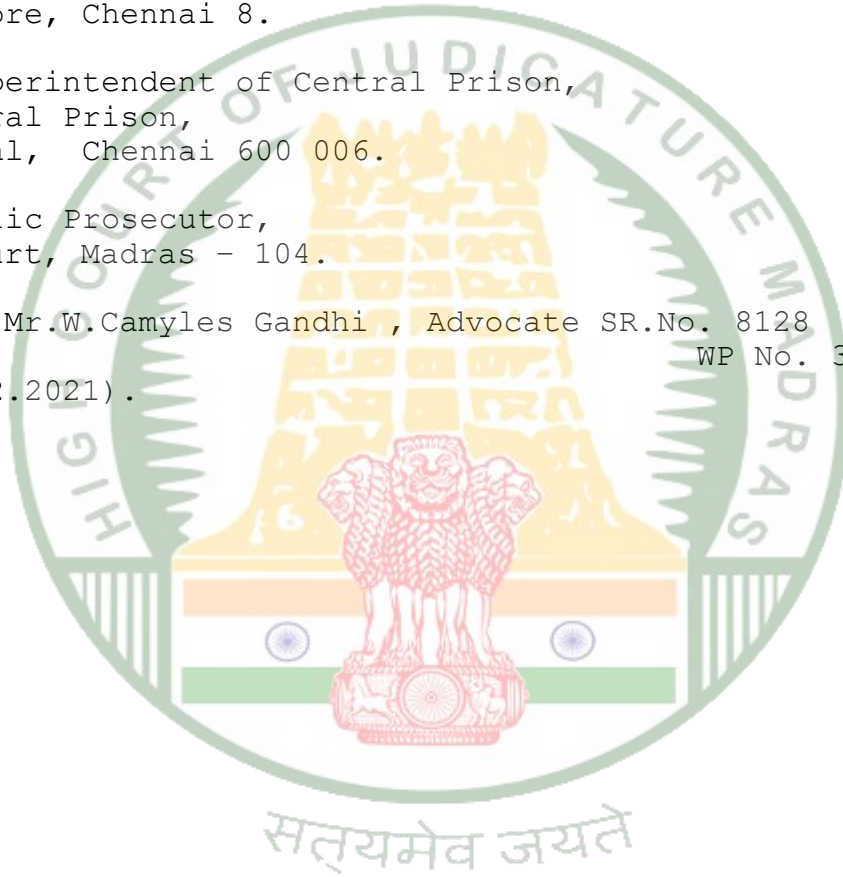
Sub Assistant Registrar

jv

To

1. The Secretary to Government,
Government of Tamil Nadu,
Home (Prison IV) Department,
Fort St. George, Chennai 9.
2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai 8.
3. The Superintendent of Central Prison,
Central Prison,
Puzhal, Chennai 600 006.
4. The Public Prosecutor,
High Court, Madras - 104.

+1cc to Mr.W.Camyles Gandhi , Advocate SR.No. 8128
WP No. 3154 of 2021
A.SK(15.02.2021).



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