



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2021

CORAM

THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

W.P.No.3511 of 2021

and

WMP.No.17412 of 2021

K.Pushpa

...Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2. The Director General of Police &
I.G. of Prisons,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3. The Superintendent of Prison,
Central Prison - 1,
Puzhal, Chennai - 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of constitution of India for issue of writ of Mandamus directing to the respondents 1 and 3 to consider the petitioner's representation dated 03.02.2021 and extent the ordinary leave to the petitioner's husband Janardhanan S/o.Ananda Pothy, aged 61 years, convict Prisoner, not taking treatment on leave, for the purpose of his continuous medical treatment.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.A.Damodaran
Govt. Advocate (Crl.side)



O R D E R

The petitioner wife of convict prisoner viz., Janardhanan had filed this writ petition seeking extension of leave.

2.The petitioner's husband has involved in Crime No.1047 of 2001 for offences under Sections 302 and 109 r/w 201 IPC and he was arrested by J-7, Velachery Police Station. After the trial in S.C.No.3 of 2003, the petitioner's husband was convicted under Sections 109 r/w 201 IPC and sentenced to two years Rigorous Imprisonment. Thereafter, the petitioner's husband and other accused filed an appeal in CrI.A.No.668 - 669 of 2004 before this Court and the same was confirmed against the petitioner's husband. Thereafter, the petitioner's husband filed an appeal before the Supreme Court in CrI.A.No.896 of 2009 and the same was dismissed.

3.The petitioner's husband is affected with Paralysis Attack and he is unable to move alone without the help of attender and his nature's call are all in the bed. His health condition is deteriorated very badly. Thereafter, the petitioner has filed HCP.No.1802 of 2019 before this Court and this Court by an order dated 05.09.2019 had granted leave for one month and thereafter, the leave was periodically extended and finally, the leave already granted is extended in W.M.P.No.12426 of 2021 in W.P.No.3511 of 2021 by an order dated 06.05.2021 till 11.08.2021. As the leave period got expired, the petitioner made representation to the respondent along with the copy of the order of this Court and Doctor certificate. The same was not considered by the respondent. Hence, the petitioner filed this petition.

4.The petitioner further submit that considering his health condition, the Jail authorities recommended for premature release of the petitioner's husband. The petitioner's husband examined by the Medical Board and a favourable report sent to the Government and the order of premature release is awaited.

5.The learned Government Advocate (CrI.side) submitted that the petitioner's husband needs medical help and his health condition is very bad.

6.Considering the above submission, this Court is inclined to grant leave for the petitioner's husband for a



period of one month i.e. from 12.08.2021 to 11.09.2021. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

sms

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Director General of Police &
I.G. of Prisons,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Superintendent of Prison,
Central Prison - 1,
Puzhal, Chennai - 600 066.
4. The Public Prosecutor,
High Court, Madras-104.

W.P.No.3511 of 2021

NR(CO)
SU(26/08/2021)