



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2021

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4213 of 2021

M.Gokila
W/o Murugaiyyan

... Petitioner

Vs.

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

... Respondent

PRAYER: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing to the respondent to consider the petitioner's representation dated 10.02.2021 and release the petitioner's husband namely Murugaiyyan S/o Velu aged 47 years, convict prisoner, Central Prison-1, Puzhal on emergency leave for 6 days.

For Petitioner : Ms. S.Nadhiya

For Respondent : Mr. A.Damodaran
Counsel for Govt. of Tamilnadu (Crl.side)

ORDER

This writ petition is filed to issue a writ of mandamus directing the respondent to consider the petitioner's representation dated 10.02.2021 and release the petitioner's husband namely Murugaiyyan S/o Velu aged 47 years, convict prisoner, Central Prison-1, Puzhal on emergency leave for 6 days.

2. Heard Ms.Nadhiya learned counsel for the petitioner and Mr. A.Damodaran, learned Government Advocate (Crl.side).

3. The learned counsel appearing for the petitioner submitted that the petitioner the petitioner's husband was arrested and remanded to Judicial Custody in pursuant to the case in Cr.No.234 of 1997 on the file of the Inspector of Police, Andimadam Police Station. Thereafter, he was convicted on 29.11.2019 for the offences punishable under Sections 120B IPC, 147, 450 and 395 of IPC in S.C.No.2 of 2002 on the file of the Sessions Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai and sentenced him to undergo 10 years



Rigorous Imprisonment. While being so, the petitioner being the wife of the prisoner submitted a representation dated 10.02.2021 to the respondent seeking emergency leave on medical grounds for a period of six days, by annexing the prescription dated 05.02.2021 which reveals that she was suffering from severe low backache and was advised to take complete bed rest for two weeks. He further submitted that till date the representation was not considered by the respondent and hence the petitioner has come forward with this writ petition seeking for the aforesaid relief.

4. The learned Government Advocate (Crl.side) submitted that the request of the petitioner on medical grounds is not satisfactory to the respondent and therefore the same was not considered. He further submitted that the said representation will be considered only on production of proper medical certificate.

5. Considering the said submission made by the learned Government Advocate (Crl.side), the petitioner is directed to produce the proper medical certificate for grant of emergency leave for her husband, before the respondent. On receipt of the same, the respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of two weeks from the date of the proper medical certificate.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vv/arr

To

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

2.The Public Prosecutor,
High Court, Madras

W.P.No.4213 of 2021

SKY (CO)
RV (15/07/2021)