

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WMP NO.5820 OF 2021

IN

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 600 009.
2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Superintendent of Central Prison,
Central Prison, Puzhal,
Chennai 600 066.

..Respondents

PRAYER :

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, to extend the leave for 30 days without escort to the petitioner's Husband namely Murugan, S/o. Rangasamy Life Convict No: 6514 detained at Central Prison, Puzhal in W.P.No.3154 of 2021 order dt.12.02.2021.

W.P.No.3154 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India, 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 petitioners Husband namely Murugan, S/o.Rangasamy at central Prison, Puzhal Chennai.

For Petitioner : Mr.Camyles Gandhi

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

ORDER

This Court disposed of the writ petition by an order dt.12.02.2021. The husband of the petitioner was granted ordinary leave for 15 days by the 3rd respondent on 18.02.2021. If this is taken into account, the husband of the petitioner has to surrender before the 3rd respondent on 06.03.2021.

2.During the period when the convict was on emergency leave, he underwent an operation for ACL RECONSTRUCTION in the Left Knee. The same is clear from the discharge summary issued by the concerned hospital. The learned counsel for the petitioner submitted that the stitches are removed on 07.03.2021 and thereafter the convict has to undergo a rehabilitation failing which, he will not be able to move around. Therefore, a further leave for 30 days is sought for in this petition.

3.The learned Additional Public Prosecutor on instructions submitted that there are sufficient facilities available in the Government Hospital where the convict can undergo rehabilitation and therefore the convict must be directed to surrender before the 3rd respondent on the expiry of the ordinary leave.

4.Taking into consideration the facts and circumstances of the case, this Court is of the considered view that the convict will have to get his stitches removed on 07.03.2021. Once this is done, he can thereafter surrender before the 3rd respondent and the 3rd respondent after taking into consideration, the medical condition of the convict can provide for necessary facilities for rehabilitation of the left knee.

5. In view of the above, the 3rd respondent is directed to grant two days emergency leave on 6th and 7th of March 2021. The husband of the petitioner shall surrender before the 3rd respondent on 08.03.2021 without fail. Thereafter, it is left open to the 3rd respondent to assess the medical condition of the convict and take a decision with regard to the rehabilitation of the left knee.

6.This miscellaneous petition is disposed of accordingly.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

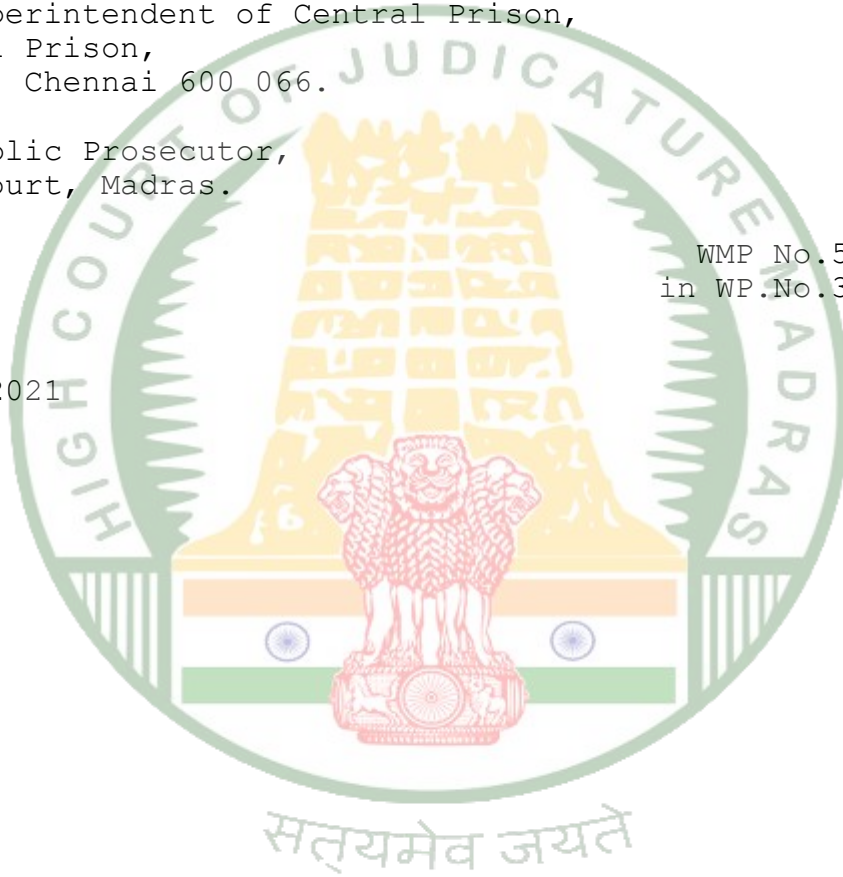
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To

1. The Secretary to Government,
Home (Prison IV) Department,
Fort St George,
Chennai 600 009.
2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Superintendent of Central Prison,
Central Prison,
Puzhal, Chennai 600 066.
4. The Public Prosecutor,
High Court, Madras.

WMP No.5820 of 2021
in WP.No.3154 of 2021

JP (CO)
CS/04/03/2021



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