

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.8845 of 2021

Selvam

... Petitioner

Versus

1.The Superintendent of Prison,
Central Prison at Coimbatore,
Gandhipuram, Coimbatore-641 012.

2.The Superintendent of Prison,
District Prison at Nagercoil,
Kanyakumari-629 001.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, directing to the respondents to grant 06 days emergency leave to the petitioner namely Mr.Selvam s/o.Chinnathurai (C.T.No.22376) who is detain in Central Prison at Coimbatore.

For Petitioner : Mr.M.Mohamed Saifulla

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

ORDER

This Writ Petition has been filed seeking to grant 6 days emergency leave to the petitioner namely Selvam, S/o.Chinnathurai (C.T.No.22376), who was detained in Central Prison, Coimbatore.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The petitioner is a life convict and he is now detained in Central Prison, Coimbatore. The 1st respondent/The Superintendent of Prison, Central Prison, Coimbatore has granted 6 days emergency leave under the Tamil Nadu Suspension of Sentence Rules, 1982 though his proceedings dated 20.02.2021 in No.1439/TK2/2020. On 21.02.2021, the petitioner was shifted to the District Prison, Nagercoil, where sufficient escort has to be provided to the petitioner for 6 days emergency leave. Due to the prevailing situation in Nagercoil and due to public election, proper escorts could not be provided. Hence, the petitioner was sent back to the Central Prison, Coimbatore. The Superintendent of Police, Nagercoil had sent a communication to the 1st respondent/the Superintendent of Prison, Central Prison, Coimbatore informing that before granting leave to the convicts, threat perception and the availability of the escort in Nagercoil to be ascertained and thereafter orders to be issued.

4.It is to be seen that the 1st respondent/The Superintendent of Prison, Central Prison, Coimbatore while granting 6 days emergency leave under the Tamil Nadu Suspension of Sentence Rules, 1982 though his proceedings dated 20.02.2021 in No.1439/TK2/2020, no such assessment was made. Therefore, the proceedings could not be complied with. In the sum and substance, the petitioner though granted leave for six days emergency leave, he was unable to avail the same.

5.Since the wife of the petitioner made a representation to the 1st respondent/the Superintendent of Police, Central Prison, Coimbatore with regard to the emergency leave to the petitioner also for sufficient escort, the 1st respondent/the Superintendent of Police, Central Prison, Coimbatore is directed to consider all the aspects and pass appropriate orders if the petitioner otherwise eligible.

6.With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vv2

To

1.The Superintendent of Prison,
Central Prison at Coimbatore,
Gandhipuram, Coimbatore-641 012.

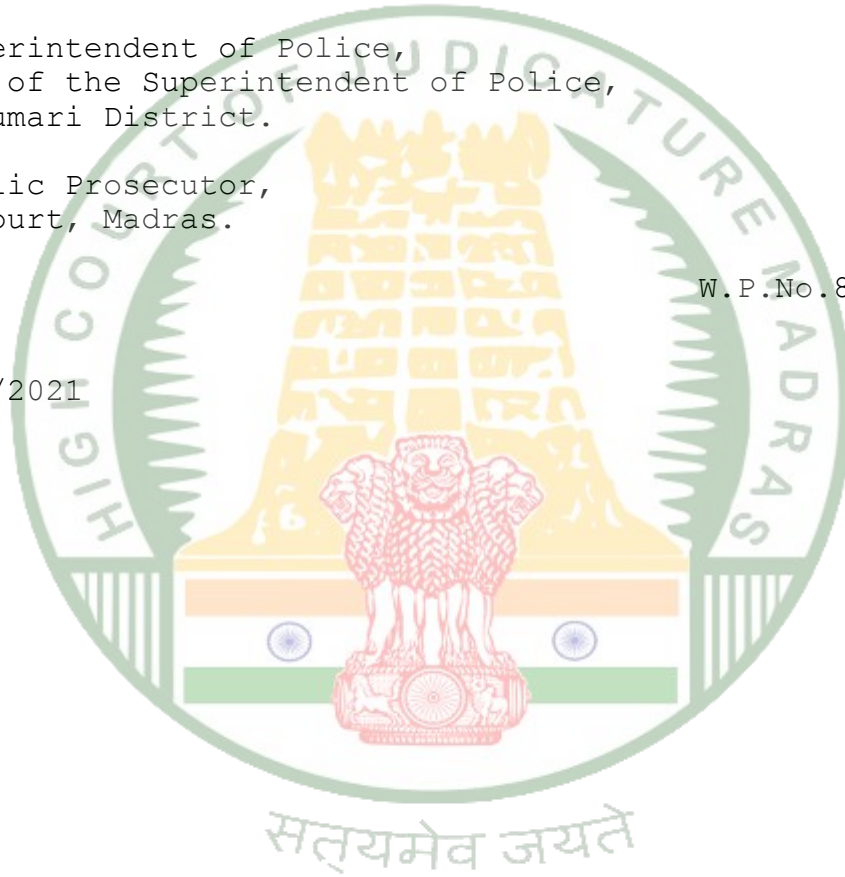
2.The Superintendent of Prison,
District Prison at Nagercoil,
Kanyakumari-629 001.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District.

4.The Public Prosecutor,
High Court, Madras.

W.P.No.8845 of 2021

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SRG 06/07/2021



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