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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

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THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Writ Petition No.14201 of 2021

Saraswathi
W/o.Ramalingam

... Petitioner

Vs.

1.The Additional Deputy General of Prisons,
Department of Prisons,
Whannels Road,
Egmore, Chennai - 600 008.

2.The Superintendent of Prisons,
The Central Prison for Women,
Puzhal, Chennai.

3.State by
The Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore District.
Crime No.205 of 2014

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 10.06.2021 and direct the second respondent to grant 20 days ordinary leave to her daughter Vanitha D/o.Ramalingam, aged about 35 years, a life convict, imprisoned in the second respondent prison.

For Petitioner : Mr.S.Silambuselvan

For Respondents: Mr.R.Muniyapparaj
Government Advocate [Crl.side]



ORDER

[Order of the Court was made by P.N.PRAKASH, J]

This petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 10.06.2021 for grant of 20 days ordinary leave to her daughter Vanitha D/o.Ramalingam, aged about 35 years, a life convict, who is now confined at Special Prison for Women, Puzhal, Chennai.

2. It is the case of petitioner that her daughter Vanitha is a life convict (CT No.829) and she is undergoing sentence in Special Prison for Women, Puzhal, Chennai. Since Vanitha's father Ramalingam is physically indisposed, the petitioner gave an application dated 10.06.2021 seeking leave under the Tamil Nadu Suspension of Sentence Rules, 1982 and thereafter, filed the present Writ Petition.

3. When the matter is taken up for hearing, learned Government Advocate [Crl.side] submitted a copy of the order dated 22.07.2021 that has been passed by the prison authorities granting 20 days ordinary leave to Vanitha with police escort.

4. Learned counsel for the petitioner submits that grant of leave with escort would cause great prejudice to Vanitha and prays for relaxation of the said condition.

5. We perused the records and observed that the Sub-Inspector of Police, G2 Killai Police Station, Chidambaram, has submitted a report dated 09.07.2021 stating that there is threat to the life of Vanitha from her estranged husband and the family of deceased Ganesan.

6. In such view of the matter, this Court cannot overrule the report of threat perception and relax the condition relating to grant of leave with escort. However, it will be in the fitness of things, if Vanitha is sent with minimum escort, because she will not be in a position to afford for their accommodation and food.

With the above observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



gm

To

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- 1.The Additional Deputy General of Prisons,
Department of Prisons,
Whannels Road,
Egmore, Chennai - 600 008.
- 2.The Superintendent of Prisons,
The Central Prison for Women,
Puzhal, Chennai.
- 3.The Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore District.
- 4.The Public Prosecutor,
High Court, Madras.

Writ Petition No.14201 of 2021

kv[co]
srg 18/08/2021