



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 02.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.NO.13887 OF 2022

Mani @ Manikandan

...Petitioner

Vs

1.The Chief Superintendent of Prisons,
No.1, Mathur Road, Kalapet,
Puducherry- 605 014

2.The Superintendent of Prisons,
No.1, Mathur Road, Kalapet,
Puducherry- 605 014

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records to quash the impugned order of the first respondent dated 19.04.2022 and grant emergency leave of 30 days to the petitioner to enable him to source finance, schedule and organize the surgery and treatment involving Brachial Plexus injury for his only son Master Adityavarman aged about 1 year and 7 months and cardiovascular surgery of his wife M.Padmavathy.

For Petitioner : Mr.M.Govindaraju

For Respondents : Mr.V.Balamurugane
Public Prosecutor(Pondicherry)

O R D E R

[Order of the Court was made by M.S.RAMESH, J.]

The present petition has been filed by the petitioner, who has been convicted and sentenced to undergo life imprisonment.

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

3.Leave has been sought for to organize the surgery involving Brachial Plexus injury for the petitioner's son as



well as by-pass surgery for his wife, and also for arranging funds for their medical expenses.

4. Though the Probation Officer has not recommended the case, particularly in view of the embargo under the Rule and the plausible objection from the victim family, inasmuch as the convict's son and wife is stated to be undergo surgeries, we are inclined to direct the second respondent to grant six days emergency leave to the convict.

5. Accordingly, we direct the second respondent to grant 6 days emergency leave to the convict with minimum escort subject to the usual conditions that can be imposed by the second respondent. The convict shall be released from the prison at 10.00 a.m. on 07.06.2022 and he shall return back to the prison at 07.00 p.m. on 14.06.2022. The second respondent shall provide minimum escort to the convict from the Central Prison from the time he leaves the prison and till such time he is taken back to the Central Prison, on the said date and time as ordered by this Court. The cost involved for providing escort shall be borne by the petitioner. We make it clear that the day on which the convict is released from the prison and the day on which he is readmitted will have to be excluded.

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

Sd/-
Vacation Officer

// True Copy //

Sub Assistant Registrar

dn/rst

To

1. The Chief Superintendent of Prisons,
No.1, Mathur Road, Kalapet,
Puducherry- 605 014.

2. The Superintendent of Prisons,
No.1, Mathur Road, Kalapet,
Puducherry- 605 014.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Govindaraju, Advocate Sr.No.32054

W.P.No.13887 of 2022

EV(CO)
RVM(06/06/2022)