



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.13920 of 2022
& WMP No.13179 of 2022

Indhrani

...Petitioner

Vs

The Superintendent of Prison,
Central Prison,
Vellore-2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in the order bearing no.6679/ThaKu.3/2022 dated 12.05.2022 passed by the respondent, quash the same, directing the respondents to release the petitioner's husband namely Mathaiyan, S/o.Govindasamy, Ct no.2375, aged 59 years, now confined in Central Prison, Vellore on 6 days emergency leave on humanitarian grounds.

For Petitioner : Mr.P.Pugalenth

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

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 is the wife of the convict, who has been convicted and sentenced to undergo 10 years rigorous imprisonment.

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

3.Leave has been sought for on the ground that the petitioner is undergoing medical treatment since she has been suffering with Hypertension, Diabetic and heart problem.



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 wife is stated to be suffering from ailment, we are inclined to direct the respondent to grant six days emergency leave to the convict.

5. Accordingly, we direct the respondent to grant 6 days emergency leave to the convict with minimum escort subject to the usual conditions that can be imposed by the 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 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

dn/rst

To

The Superintendent of Prison,
Central Prison,
Vellore-2.

W.P.No.13920 of 2022

sj(co)

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