



W.M.P.No.24895 of 2023
in W.P. No.15747 of 2023

**W.M.P.No.24895 of 2023
in W.P.No.15747 of 2023**

**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

(Order of this Court was made by **M.SUNDAR,J.,**)

This order will now dispose of captioned 'Writ Miscellaneous Petition' (hereinafter 'WMP' for the sake of brevity).

2. This order has to be read in conjunction with and in continuation of earlier proceedings dated 08.08.2023 in W.M.P.No.22669 of 2023 in W.P.No.15747 of 2023, which reads as follows:

**'W.M.P.No.22669 of 2023
in W.P.No.15747 of 2023**

**M.SUNDAR. J.,
AND
R.SAKTHIVEL. J.,**

(Order of the Court was made by M.SUNDAR.J.,)

This order will now dispose of the captioned 'Writ Miscellaneous Petition' ['WMP' for the sake of brevity].

2. This order has to be read in conjunction with and in continuation of order dated 07.07.2023 made in W.M.P No.19423 of 2023, which reads as follows:

'Captioned writ petition along with 'Writ Miscellaneous Petition' (hereinafter 'WMP' for the sake of brevity) thereat [WMP No.15516 of 2023) was disposed of by this Court on 16.06.2023. In and by 16.06.2023 order, 21 days ordinary leave



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with escort granted to the convict prisoner was recorded.

2.To be noted, leave was granted on medical grounds.

3.The 21 days ordinary leave would now elapse on 09.07.2023. Captioned WMP has been filed with a prayer to extend the leave by a further period of 30 days from 09.07.2023 to 08.08.2023 inter alia on the ground that the medical condition of the convict prisoner has not improved and it appears to be taking a downturn.

4.Learned Prosecutor for respondents on instructions submits that the medical condition of the convict prisoner is not good and it appears to be heading towards downturn. This means that the convict prisoner requires further medical attention i.e., continued attention.

5.In the light of the narrative thus far, 21 days ordinary leave already granted (now operating) which is scheduled to elapse on 09.07.2023 is extended by a further period of 30 days as prayed for i.e., from 09.07.2023 to 08.08.2023. As regards the conditions operating for the leave, the conditions already put in place will continue to operate.

6.Captioned WMP is disposed of acceding to the prayer in the aforesaid manner. '

3. The aforementioned order captures bare essential facts and trajectory the matter has taken.

4. Issue notice.

5. Mr.E.Raj Thilak, learned State Additional Public Prosecutor, who accepts notice for all the three respondents submits on instructions that the convict prisoner is complying with all the conditions for leave. Taking this into account and the further submission that convict prisoner who is convalescing requires some more time to recuperate fully, ordinary leave with escort which has already been granted and which elapses today (08.08.2023) is extended till the end of this month i.e., till 31.08.2023. All other conditions which are now operating will continue to operate. Convict prisoner shall surrender before the prison concerned (third respondent) by dusk i.e., by 05.30pm on 31.08.2023.

Captioned WMP is disposed of with the aforementioned directives.'



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3. Captioned WMP has been filed with a prayer for extension of leave by a further period of 30 days. To be noted, the aforementioned 08.08.2023 order captures essentials i.e., essentials imperative for appreciating this order and therefore we are not setting out the same again.

4. Mr.D.Krishnamoorthy, learned counsel for petitioner submits that if leave is extended upto 10.09.2023 i.e., by ten days, it will suffice and it will help the convalescence of the convict.

5. In response to a query from the Bench, Mr.E.Raj Thilak, learned State Additional Public Prosecutor submitted that there has been nothing untoward thus far in the convict availing the leave and he is at home convalescing.

6. Therefore, we extend the leave upto 11.09.2023 making it clear that the convict prisoner shall surrender before prison concerned (third respondent) by dusk i.e., by 05.30 p.m. on 11.09.2023 (Monday).



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7. Considering the trajectory the matter has taken before us we make it clear that further leave if any will be considered only on convict surrendering on 11.09.2023 and medical report being obtained from the prison doctor and / or any referral if necessary.

8. Captioned WMP is disposed of in the aforesaid manner.

**[M.S.,J.] [R.S.V.,J.]
31.08.2023**

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Note: UPLOAD FORTHWITH

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