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W.P.No.30104 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.30104 of 2023

Mani @ Manikandan .. Petitioner

v.

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

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to grant an extension of emergency leave previously granted by this Court in WP No.27803 of 2023 dated 03.10.2023 by 5 days to the petitioner thereby granting him sufficient time to mobilize funds and assist his toddler son Master Adityavarman aged about 3 years suffering from Right Infantile Upper Brachial Plexus injury causing restriction to right shoulder



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movements and fix the same through reconstruction surgery.

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For Petitioner :: Mr.M.Govindaraju

For Respondents :: Mr.M.V.Ramachandramurthy
Additional Public Prosecutor (Puducherry)

Assisted by Mr.A.Alexander
Government Advocate (Puducherry)

ORDER

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

This writ petition is filed seeking for a direction to the respondents to grant an extension of emergency leave previously granted by this Court in WP No.27803 of 2023 dated 03.10.2023 by 5 days to the petitioner thereby granting him sufficient time to mobilize funds and assist his toddler son Master Adityavarman aged about 3 years suffering from Right Infantile Upper Brachial Plexus injury causing restriction to right shoulder movements and fix the same through reconstruction surgery.

2. This Court earlier in WP No.27803 of 2023, by order dated 03.10.2023 directed the release of the petitioner from prison at 10.00 am on



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09.10.2023, with a further direction that he shall return back to the prison at 7.00pm on 13.10.2023. The leave was granted in exercise of the prerogative right of this Court under Article 226 of the Constitution of India, as the petitioner wanted emergency leave in connection with the treatment/surgery of his son.

3. It is now represented by the learned counsel for the petitioner that the surgery that was originally scheduled on 12.10.2023 has now been postponed to 16.10.2023. It is on account of the same, the petitioner prays for extension of emergency leave originally granted by this Court for another five days.

4. Having regard to the facts narrated, this Court is inclined to consider the prayer.

5. The learned Additional Public Prosecutor (Puducherry) representing the respondents has no serious objection. Hence, extension is ordered. The emergency leave previously granted by this Court by order



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dated 03.10.2023 in WP No.27803 of 2023, is extended till 7.00pm of 18.10.2023. The conditions imposed by this Court while granting emergency leave in the order dated 03.10.2023 made in WP No.27803 of 2023, shall be scrupulously followed. The writ petition stands disposed of.

(S.S.S.R.,J.) (S.M.,J.)
13.10.2023

Index : yes/no
Neutral citation : yes/no

Issue copy today

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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 (Puducherry)
High Court, Madras



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S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

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