



WEB COPY



W.P.No.32035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

THE HONOURABLE MR. JUSTICE **S.S. SUNDAR**
AND
THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

W.P.No.32035 of 2023

Velankanni

... Petitioner

Vs.

The State rep. By its

1.The Deputy Inspector General of Prison,
Puzhal Range, Chennai.

2.The Superintendent,
Puzhal Central Prison, Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to grant ordinary leave for 60 days without escort to the detenu Karunanithi, S/o.Manoharan, aged about 55 years bearing Convict No.15157 confined at Central Prison, Puzhal, Chennai.

For Petitioner : Mr.P.Bakiyaraj

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind



W.P.No.32035 of 2023

ORDER

WEB COPY

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

Seeking a direction to the respondents to grant ordinary leave for 60 days without escort to the convict prisoner, Karunanithi, S/o.Manoharan, aged about 55 years, bearing Convict No.15157, confined at Central Prison, Puzhal, Chennai, the present writ petition has been filed by the wife of the convict prisoner.

2. Petitioner is the wife of the convict prisoner. It is the case of the petitioner that she had undergone surgery on her left eye and that she was advised to have surgery on her right eye also immediately. It is in the said circumstances, the petitioner, who has no assistance except the presence of her mother-in-law, who is 70 years old, approached this Court for grant of leave to her husband/convict prisoner.

3. Learned Additional Public Prosecutor on instructions submitted that as against the convict prisoner, three other cases are still pending and in all the cases, the major offence is either 307 IPC or 397 IPC. Therefore, learned Additional Public Prosecutor submitted that the convict prisoner may be granted leave with escort, however, learned counsel for the petitioner cites the



W.P.No.32035 of 2023

economic and penurious situation of the family of the petitioner for grant of leave without escort.

4. Considering the financial condition of the petitioner's family and other attending circumstances, this Court is inclined to grant ordinary leave to the convict prisoner for a period of ten days without escort.

5. Accordingly, we grant 10 days ordinary leave to the convict prisoner without escort subject to the usual conditions that can be imposed by the respondents and this writ petition is ordered on the following terms:

(i) The convict prisoner shall be released from the prison at 10.00 a.m. on 27.11.2023 and he shall return back to the prison at 06.00 p.m. on 06.12.2023;

(ii) We make it clear that the day on which the convict prisoner is released from the prison and the day on which he is readmitted will have to be excluded;

(iii) During the aforesaid leave period, the convict prisoner shall report before T-4



WEB COPY



W.P.No.32035 of 2023

*Shankar Nagar Police Station, Pammal,
Chennai, daily at 10.30 a.m.*

**(S.S.S.R., J.) (S.M., J.)
21.11.2023**

Index : Yes / No
Neutral Citation : Yes / No
mmi

Note: Issue order copy on 23.11.2023

To

- 1.The Deputy Inspector General of Prison,
Puzhal Range, Chennai.
- 2.The Superintendent,
Puzhal Central Prison, Chennai.
- 3.The Inspector of Police,
T-4 Shankar Nagar Police Station,
Pammal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.32035 of 2023

S.S. SUNDAR, J.
and
SUNDER MOHAN, J.

mmi

W.P.No.32035 of 2023

21.11.2023