



W.P.No.32574 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.32574 of 2023

Dhanalakshmi

..

Petitioner

v.

1. The Superintendent,
Central Prison, Cuddalore,
Cuddalore.

2. State rep. by
Inspector of Police,
M5, Ennore Police Station,
Chennai.
Cr.No.907 of 2021

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to grant emergency leave for 15 days to C.Dhanasekaran S/o.Chandran Remand Prisoner No.3709.



WEB COPY



W.P.No.32574 of 2023



WEB COPY



W.P.No.32574 of 2023

For Petitioner :: Mr.G.Sriram

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

ORDER

(Order of the Court was made by SUNDER MOHAN,J.)

This writ petition is filed by the wife of the under-trial prisoner, who was arrested on 24.10.2021 in Cr.No.907 of 2021 for the offence under Sections 8(c), 20(b)(ii)(c) and 25 of the Narcotic Drugs and Psychotropic Substances Act by the respondent police. She has sought for grant of 15 days emergency leave to her husband, who is a remand prisoner.

2. The petitioner has also filed the report of the Medical Officer attached to the Central Prison, Cuddalore, sent to the Superintendent of Prison, Central Prison, Cuddalore, wherein he had stated that the petitioner's husband had suffered a fracture earlier and he underwent a surgery wherein an implant was fixed. The petitioner now seeks Emergency leave to perform a surgery called, 'implant exit surgery' for removal of implant.



W.P.No.32574 of 2023

WEB COPY

3. The learned Additional Public Prosecutor submitted that the request of the petitioner cannot be considered by the respondent since the petitioner's husband is an under-trial prisoner and the Tamil Nadu Suspension of Sentence Rules, 1982, do not apply to him. He further submitted that the petitioner's husband is involved in several other cases and he is a notorious person.

4. Having regard to the fact that the petitioner's husband is only a remand prisoner and the authorities cannot exercise their power under the Tamil Nadu Suspension of Sentence Rules, this Court, is of the view that the petitioner ought to have approached the concerned Court for interim bail. The prayer sought for by the petitioner, to direct the 1st respondent, who is the Superintendent of Central Prison to grant Emergency Leave is not sustainable. However, if the prison Doctor suggests a surgery for removal of the implant, it is open to the prisoner to make a representation for appropriate treatment and the 1st respondent shall consider the request after



W.P.No.32574 of 2023

obtaining medical opinion from the Medical Officer attached to the prison.

WEB COPY

5. With the above directions, this writ petition is dismissed.

(S.S.S.R.,J.) (S.M.,J.)
24.11.2023

Index : yes/no

Neutral citation : yes/no

To

1. The Superintendent,
Central Prison, Cuddalore,
Cuddalore.

2. The Inspector of Police,
M5, Ennore Police Station,
Chennai.

3. The Public Prosecutor
High Court, Madras



WEB COPY



W.P.No.32574 of 2023

S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

ars

W.P.No.32574 of 2023



WEB COPY



W.P.No.32574 of 2023

24.11.2023