



W.P.(MD)No.13784 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.13784 of 2023

Haritha

... Petitioner

Vs.

- 1.Secretary to Government,
Home Department,
Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.Director General of Police,
Whaners Road, Egmore,
Chennai-600 008.
- 3.The Inspector General of Prisons,
Madurai Central Jail,
Arasaradi, Jail Road,
Madurai-625 016.
- 4.The Superintendent of Central Prisons,
Madurai Central Prison, Madurai.
- 5.Superintendent of Police,
Madurai Central Prison, Madurai.



W.P.(MD)No.13784 of 2023

6.State Rep. by,
The Inspector of Police,
CBI, ACB, Chennai,
R.C.No.56A of 2008

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 25.05.2023 requesting her husband, P.V.Reddy, (S/o.Venkatareddy)-CP 1748 Convict Prisoner at Central Prison Madurai to be enlarged on emergency leave / parole for atleast 30 days w.e.f., 07.06.2023 onwards to attend all the affairs.

For Petitioner : Mr.G.Saravana Kumar

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The petitioner has filed this Writ Petition, seeking a direction to the respondents to consider the representation of the petitioner dated 25.05.2023, requesting emergency leave / parole for atleast 30 days w.e.f., 07.06.2023 onwards to her husband by name P.V.Reddy, S/o.Venkatareddy, Convict Prisoner No.1748 at Central Prison Madurai to attend all the affairs.



W.P.(MD)No.13784 of 2023

2.Today, when the matter is taken up for hearing at the admission stage, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, who took notice on behalf of the respondents, submitted that the 4th respondent has considered the representation of the petitioner dated 25.05.2023 and vide order dated 12.06.2023 has granted three days emergency leave with effect from 13.06.2023 till 15.06.2023 with escort and necessary escort provision was sought for by the said communication to the Commissioner of Police, Madurai.

3.Relying upon this communication, the learned Additional Public Prosecutor for the respondents further submitted that, till now the escort provision has not been provided, probably, the same may be provided by 14.06.2023. The moment escort is provided three days leave would be commenced and thereafter, after completion of the leave, the husband of the petitioner must return back to jail.

4.However, the learned counsel for the petitioner would submit that since the husband of the petitioner has to make arrangements for the family, which was stated in the representation and he has to travel all along



W.P.(MD)No.13784 of 2023

to Andhra Pradesh, three days emergency leave may not be sufficient to complete his task. Therefore, he requests further extension of three days emergency leave. This aspect is at the domain of the respondents for which, the learned Additional Public Prosecutor for the respondents submitted that, depending upon the rule position the plea raised by the petitioner would be considered and as a matter of right he cannot ask for further extension of three to five days leave, because the rule may not permit the same. Anyhow, it will be considered by the respondents on merits and in accordance with law.

5.Considering the said submissions made on either side, this Court is inclined to pass the following order:-

“(i)The husband of the petitioner shall be provided with three days leave as per the order dated 12.06.2023 and the same shall be commenced only from the moment the escort take the custody of the husband of the petitioner;

(ii)After expiry of three days leave, extension of further two days or three days sought for by the petitioner is to be decided by the respondents in accordance with law; and



W.P.(MD)No.13784 of 2023

WEB COPY

(iii)It is made clear that pursuant to the order dated 12.06.2023, the Commissioner of Police, Madurai shall make arrangements to provide escort immediately.”

6.With these directions and observations, this Writ Petition is disposed of. No costs.

(R.S.K., J.) & (K.K.R.K, J.)

13.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MYR

Note: Issue Order copy by today (13.06.2023) itself.

To

1.Secretary to Government,
Home Department,
Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.Director General of Police,
Whaners Road, Egmore,
Chennai-600 008.



WEB COPY



W.P.(MD)No.13784 of 2023

R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

MYR

- 3.The Inspector General of Prisons,
Madurai Central Jail,
Arasaradi, Jail Road,
Madurai-625 016.
- 4.The Superintendent of Central Prisons,
Madurai Central Prison, Madurai.
- 5.Superintendent of Police,
Madurai Central Prison, Madurai.
- 6.The Inspector of Police,
CBI, ACB, Chennai,
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P.(MD)No.13784 of 2023

13.06.2023