



W.P(MD)No.29377 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2023

CORAM :

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.29377 of 2023

Patturani

... Petitioner

vs.

1. The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road, Madurai.

2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to extend the ordinary leave to the petitioner's husband from 11.12.2023 to 30.12.2023 for further 20 days.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor



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ORDER

(Order of the Court was made by K.MURALI SHANKAR, J.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents (Through voice call).

2. The petitioner is the wife of the convicted prisoner (Life Convict CP.No.619). The 1st respondent has granted ordinary leave with escort for a period of 28 days vide order dated 18.10.2023. The petitioner has moved this Court in W.P(MD)No.27112 of 2023 challenging the order of the 1st respondent granting leave with escort and a Division Bench of this Court vide order dated 10.11.2023, has set aside the order with respect to escort part alone and directed the prison inmate to appear before the Judicial Magistrate No.V, Tirunelveli, in the Forenoon every day. The petitioner, now by alleging that her husband had severe pain in his stomach at about 03.00 p.m on 08.12.2023 and immediately he was taken to CSI Jeyaraj Annapackiam Hospital, Tirunelveli, and after taking a scan, it was found that his right side Kidney was bulged due to Kidney Calculus and that due to emergency, he was shifted to SCI Bellpins Indirani Chelladurai Mission Hospital, Tirunelveli, and a surgery was conducted at about 10.00 p.m on the same day and a stent was placed in his right side Kidney through



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Laparoscopic process, that her husband is taking treatment and she was informed by the Doctors that the stent which was placed in the right side Kidney has to be removed after two weeks and he has to be under the medical treatment, has filed the above writ petition seeking extension of ordinary leave granted to her husband from 11.12.2023 to 30.12.2023 for a further 20 days period.

3. Learned Additional Public Prosecutor, on instructions, would submit that the prison inmate has undergone a surgery yesterday(08.12.2023) with regard to Kidney issues and a stent was placed in his right side Kidney as stated by the petitioner but, he was discharged from the Hospital today (09.12.2023) morning.

4. Learned counsel for the petitioner would submit that after filing of the writ petition, the prison inmate was discharged from the Hospital and that the Doctors advised him to take complete rest till the stent is removed; that the petitioner has already submitted a representation through E-mail to the respondents seeking extension of time and that leave may be extended at least for a period of five days.



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5. Considering the fact that earlier order granting leave has been granted by the 1st respondent and taking note of the fact that the prison inmate has already been discharged from the Hospital and that the petitioner has already submitted a representation before the Jail authorities for extension of time, the 1st respondent is hereby directed to consider the representation of the petitioner seeking extension of leave sent through E-mail today (09.12.2023), taking note of the specific exigency and pass orders before 11.12.2023. Since the prison inmate had undergone a surgery and a stent was placed in his right side Kidney yesterday(08.12.2023, this Court is inclined to extend the leave by one day i.e., Monday(11.12.2023).

6. With the above direction, the Writ Petition is disposed of. No costs.

[K.M.S., J.] & [S.S.Y, J.]
09.12.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison,
Madurai Range,



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Madurai Central Prison Campus,
New Jail Road, Madurai.

2. The Superintendent of Prison,
Central Prison,
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K.MURALI SHANKAR, J.
and
S.SRIMATHY, J.

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W.P(MD)No.29337 of 2023

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