



W.P(MD)No.30547 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

W.P(MD)No.30547 of 2023

Pothumani

... Petitioner

vs.

The Superintendent of Prison,
Central Prison,
Trichy – 620 020.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to grant 6 days emergency leave without police escort to petitioner's husband Bharathidasan @ Bharathi, Son of Karuppiah, Convict Prisoner No. 23978, lodged at Central Prison, Tiruchirappalli by considering her representation dated 22.11.2023, within stipulated time.

For Petitioner

: Mr.C.Karthikeyan

For Respondents

: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

Captioned main 'Writ Petition' ('WP' for the sake of brevity) has been filed in this Court on 14.12.2023.

2. Factual matrix in a nutshell is that WP petitioner's spouse one Thiru.Bharathidasan @ Bharathi, son of Thiru.Karuppiah who is a Convict Prisoner (C.P.No.23978) now lodged in Central Prison, Tiruchirappalli; that the convict prisoner shall be referred to as 'said prison inmate' for the sake of convenience and clarity and with the intention of using better/refined glossary; that in and by a representation dated 22.11.2023 (hereinafter 'said representation' for the sake of convenience), six days emergency leave without police escort has been sought for said prison inmate inter-alia on the ground that said prison inmate's mother suffered a heart attack, has heart ailment and said prison inmate has to make arrangements for her medical care.

3. Before we proceed further, we deem it appropriate to scan and reproduce said representation i.e., representation dated 22.11.2023. We do so and the same is as follows:



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WEB COPY அனுப்புகள்:-

B.யோதுமணி,
க/பெ.பாரதிதாசன்,
1. சிவனந்தபரம், 1-ம் வீதி,
மச்சவாடி,
புதுக்கோட்டை.
செல். 8270762790

பெறுநர்:-

உயர்திரு. சிறை கண்காணிப்பாளர் அவர்கள்,
மத்திய சிறைச் சாலை,
திருச்சி-20.

ஐயா,

எனது கணவர் K.பாரதிதாசன், த/பெ.கருப்பையா ஆ.க.சி. எண்.23978 என்பவர் திருச்சி மத்திய சிறையில் தண்டனை சிறைவாலியாக உள்ளார். அவரின் தாயார் திருமதி.K.கிருஷ்ணவேணி என்பவருக்கு மாறடைப்பு ஏற்பட்டு அவரது உடல்நிலை மிகவும் ஆபத்தான நிலையில் மருத்துவரின் தொடர் கண்காணிப்பில் இருந்து வருகின்றார். எனவே மேற்படி எனது கணவரின் தாயாரின் மருத்துவ சிகிச்சைக்காக நேரில் வந்து மருத்துவ பராமரிப்பு செய்யும் பொருட்டு எனது கணவருக்கு 6 நாட்கள் அவசர விடுப்பு வழங்கும்படி மிகவும் பணிவுடன் கேட்டுக் கொள்கிறேன்.

இணைப்பு:-

1. மருத்துவ சான்று அசல்.
2. ஜாமீன்தாரர்கள் ஆதார் அட்டை நகல்.

இப்படிக்கு
B.Bhuvan
22.11.2023

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To be noted, we have not scanned and reproduced the enclosures to the aforementioned said representation.

4. Issue notice.



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5. Mr.A.Thiruvadi Kumar, learned State Additional Public Prosecutor accepts notice for the lone respondent and submits, on instructions, that said representation is under active consideration by the lone respondent, probation officer's report and police officials report have been sought for and a decision on the same (one way or the other) will be taken within one week from today.

6. Owing to the limited scope of the captioned WP, with the consent of both sides main WP is taken up.

7. Main WP is disposed of with a simple directive to the lone respondent to consider aforementioned said representation and pass orders on the same (one way or the other) as expeditiously as the business of the lone respondent would permit but in any event within one week from today i.e., by 28.12.2023. We make it clear that we have not expressed any view or opinion on the merits of the matter but the lone respondent shall decide the matter not only on its own merits but also in accordance with law keeping in mind the judicial pronouncements made by this Court in various cases. The decision taken by the lone respondent shall be communicated under due acknowledgment to the WP petitioner as well as said prison inmate forthwith.



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8. Captioned WP is disposed of in the aforesaid manner with the above mentioned simple directive. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
21.12.2023

Index : Yes/No
Neutral Citation : Yes/No
PKN

P.S: (i) Upload forthwith.

(ii) All concerned to act on this order being uploaded in official website of this Court without insisting on certified copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

1. The Superintendent of Prison,
Central Prison, Trichy – 620 020.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

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ORDER MADE IN
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21.12.2023