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W.P.No.896 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM :

THE HON'BLE MR. JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.896 of 2024

Vanaj

...Petitioner/Wife of Detenu

vs.

1. State represented by its
Deputy Inspector General of Prison,
Puzhal Range, Chennai.

2. The Superintendent,
Puzhal Central Prison,
Chennai.

...Respondents

Writ 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 30 days without escort to the detenu Kamesh Kumar
S/o.Venu aged about 41 years bearing Convict No.5666 confined at Central
Prison, Puzhal.

For Petitioner :: Ms.S.Sadhana



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For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The prayer in the present writ petition is for grant of ordinary leave for 30 days for the petitioner's husband who has been sentenced on 22.08.2014 for the offences under Sections 498-A r/w 306 of IPC, which sentence was modified for a period of seven years by the appellate Court.

2. The petitioner's husband is said to have completed 01 year 17 months and 13 days of the sentence of imprisonment. Under Rule 22 (1) (b) of the Tamil Nadu Suspension of Sentence Rules, 1982, the petitioner's husband will be eligible for grant of ordinary leave only on completion of two years of imprisonment. Thus, the claim for ordinary leave may not require consideration.

3. The learned counsel for the petitioner submitted that the prisoner's mother is seriously ill and therefore, the presence of the prisoner is required to attend to his mother's illness.



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4. The learned Additional Public Prosecutor produced the copy of the Probation Officer's report dated 12.01.2024 in which it is admitted that the prisoner's mother is ill owing to her old age and she is also taking medical treatment. The learned Additional Public Prosecutor also submitted that during the period of imprisonment, the prisoner has not availed any other leave.

5. In this background, we are of the view that the prayer sought for in the present writ petition seeking for ordinary leave has to be modified to one of emergency leave and the case of the petitioner be considered for grant of 10 days of emergency leave.

6. Therefore, in exercise of our powers, we are inclined to dispose of this writ petition and permit the petitioner's husband / prisoner i.e., Kamesh Kumar S/o.Venu, aged about 41 years bearing Convict No.5666, confined at Central Prison, Puzhal, Chennai, to avail Emergency Leave for a period of



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10 days without escort, on the following conditions.

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(i) Respondents are directed to release the Prisoner viz., Kamesh Kumar S/o.Venu, aged about 41 years bearing Convict No.5666, confined at Central Prison, Puzhal, Chennai, on Emergency Leave for a period of 10 days i.e., from 29.01.2024 to 08.02.2024.

(ii) The Prisoner shall be released on 29.01.2024 at 10.00am and surrender before the Superintendent of Prisons, Central Prison, Puzhal, Chennai on 08.02.2024 at 05.30 p.m.

(iii) The Prisoner is directed to report before the Inspector of Police, S-13 Chrompet Police Station, Chennai daily at 05.00pm, during the period of leave.

(iv) The Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

7. With the above directions, the Writ Petition stands disposed of.

(M.S.R.,J.) (S.M.,J.)
24.01.2024

ars

Index : Yes / No

Speaking / Non-Speaking Order



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Neutral Citation : Yes / No

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1. The Deputy Inspector General of Prison,
Puzhal Range, Chennai.
2. The Superintendent,
Puzhal Central Prison,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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