



W.P.No.2082 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Thenmozhi

...Petitioner / wife of the detenue
vs.

The State represented by its,
1.The Deputy Inspector General of Prisons,
Trichy Range,
Trichy Central Prison,
Trichy-620 020.

2.The Superintendent,
Trichy Central Prison,
Trichy-620 020.

...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 of 30 days without escort to the detenue, Jayakumar, S/o.Thirumalai, aged about 53 years, Convict No.22502, confined at Central prison, Trichy.



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

ORDER

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

This writ petition has been filed to direct the respondents to grant ordinary leave for 30 days without escort to the detenu, Jayakumar, S/o.Thirumalai, aged about 53 years, Convict No.22502, confined at Central Prison, Trichy.

2. Learned counsel for the petitioner submitted that the petitioner is suffering from severe stomach pain and doctors advised her to undergo surgery on her uterus. Since the petitioner is in financial distress and cannot afford the funds for her treatment and livelihood, there is an imminent requirement of her husband to take care of her and make arrangements for her medical treatment.



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3. Though the Probation Officer's report dated 03.02.2024 would state that since the petitioner had not submitted any medical records to substantiate her need for medical treatment at home, the petitioner has produced a medical certificate dated 09.12.2023 before us which recommends that some urgent medical treatment is required for the petitioner. Apart from stating that the petitioner has not produced any medical certificate to substantiate her ailment, no other adverse remarks have been made against her husband for denial of leave. Now, it has been brought to our notice that the petitioner's husband is otherwise eligible for grant of 21 days of ordinary leave without escort.

4. Heard the learned counsel on either side and perused the documents.

5. Therefore, in exercise of our powers, we allow this Writ Petition and permit the petitioner's husband / convict prisoner i.e., Jayakumar, S/o.Thirumalai, aged about 53 years, Convict No.22502, confined at Central



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prison, Trichy, to avail ordinary leave for a period of 21 days without escort,
on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Jayakumar, S/o.Thirumalai, aged about 53 years, Convict No.22502, confined at Central prison, Trichy, on Ordinary Leave for a period of 21 days commencing from 17.02.2024 to 08.03.2024.

(ii) The Convict Prisoner shall be released on 17.02.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Trichy-620 020, on 08.03.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Thittakudi Police Station, Cuddalore, twice a week i.e., on every Monday and Thursday at 05.00 pm, during the period of leave.

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



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6. With the above directions, the writ petition stands allowed.

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(M.S.R.,J.) (S.M.,J.)
15.02.2024

Note to Registry:

- 1.Issue order copy by 16.02.2023.
 - 2.Upload the order copy forthwith.
- Anu

To

1.The Deputy Inspector General of Prisons,
Trichy Range,
Trichy Central Prison,
Trichy-620 020.

2.The Superintendent,
Trichy Central Prison,
Trichy-620 020.

4.The Inspector of Police,
Thittakudi Police Station, Cuddalore.

5. The Additional Public Prosecutor,
High Court, Madras.

M.S.RAMESH, J

and



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SUNDER MOHAN, J

Anu

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