



WEB COPY



W.P.No.3371 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.3371 of 2024

Sathya

... Petitioner

Vs.

The State represented by its

1.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 002.

2.The Superintendent,
Central Prison,
Vellore – 636 813.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant ordinary leave for 40 days without escort to the detenu, Madesh, S/o.Subramani, Convict No.2079, aged about 35 years, confined at Central Prison, Vellore.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind



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ORDER

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

The petitioner, who is the wife of the detenu Madesh, aged about 35 years, Convict No.2079, S/o.Subramani, now confined in the Central Prison, Vellore, has come forward with this Writ Petition seeking to grant ordinary leave for 40 days without escort to her husband.

2. The petitioner states that her husband was convicted under Section 302 of IPC and was sentenced to undergo life imprisonment along with a fine of Rs.5,000/- in default to undergo 3 months simple imprisonment in S.C.No.30 of 2013 dated 31.10.2014 passed by the learned Principal Sessions Judge, Dharmapuri. The petitioner further states that since she is economically crippled, she is unable to afford her medical expenses and the livelihood of herself and her children. Therefore, she needs her husband, the detenu, to come out on leave to make financial arrangements for her medical treatment and livelihood of his wife and children. She has also given a representation dated 19.12.2023 to the respondents, requesting for 40 days ordinary leave without escort to her husband. Since the same has not been considered till date, she has come forward with this Writ Petition.



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3. Heard the learned counsel for the petitioner and the learned

Additional Public Prosecutor appearing for the respondents.

4. Having regard to the limited scope of the prayer in the Writ Petition, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 19.12.2023, seeking to grant ordinary leave to her husband and pass appropriate orders on merits and in accordance with law, within a period of one (1) week from the date of receipt of a copy of this order and communicate the same to the petitioner.

5. With the above direction, this Writ Petition stands disposed of.

No costs.

[M.S.R., J] [S.M., J]

14.02.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

Sni

To

1.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 002.

2.The Superintendent,
Central Prison,
Vellore – 636 813.

3.The Public Prosecutor,
High Court, Madras.

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