



W.P.No.3094 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.3094 of 2024

M. Lakshmi

... Petitioner

Vs.

The State represented by its,

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore.

3.The Superintendent,
Central Prison,
Salem.

... 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 30 days without escort to the detenu, Mohan,



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S/o.Ramasamy, aged about 54 years bearing Convict No.1079 at Central Prison, Salem.

For Petitioner : Mr.P.Bakiyaraj

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

ORDER

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

The petitioner, who is the wife of the detenu viz., Mohan, Son of Ramasamy, now confined in Central Prison, Salem, has come forward with this Writ Petition to direct the respondents to grant ordinary leave for 30 days without escort to her husband.

2. The petitioner states that her husband was convicted and sentenced to undergo simple imprisonment for one month for the offence under Sections 341 of IPC and rigorous imprisonment for ten years in default to undergo 1 year simple imprisonment for the offence under Section 304(1) of IPC by the learned Additional District and Sessions Judge (Fast Track Court No.1), Salem in S.C.No.341 of 2010 dated 02.12.2011. The petitioner further states that her mother in law expired on 03.02.2024 and her 11th day



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ritual is scheduled to be held on 13.02.2024, for which purpose, the presence of the detenu is necessary. She has also given a representation to the respondents dated 05.02.2024, seeking to grant ordinary leave for 30 days to her husband. Since the same has not been considered till date, she has come forward with this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Since it is represented by the learned counsel for the petitioner that the 11th day death ceremony of the petitioner's mother in law, is to be conducted on 13.02.2024, we are of the view that 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, the respondents may be directed to consider the representation of the petitioner dated 05.02.2024 and pass appropriate orders on its own merits and in accordance with law, by today itself and communicate the same to the petitioner.



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

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

[M.S.R., J] [S.M., J]
12.02.2024

Index: Yes/No

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Note: Issue Order Copy Today.

To

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George, Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Coimbatore Zone, Coimbatore.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.

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