



W.P.No.3861 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.3861 of 2024

D.Prema

... Petitioner

Vs.

The Superintendent of Prison,
Central Prison,
Cuddalore.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondent to grant 6 days emergency leave enabling the petitioner's brother Mr.K.Bala @ Balasubramnaiyan, S/o.Kuzhandhaivelu, aged 47 years, Convict Prisoner, Central Prison, Cuddalore.



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For Petitioner : Mr.P.Pugalenthi
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.*)

The petitioner, who is the sister of the detenue viz., K.Bala @ Balasubramnaiyan, S/o.Kuzhandhaivelu, aged 47 years, Convict Prisoner, Central Prison, Cuddalore, has come forward with this writ petition seeking premature release of her brother.

2.The petitioner states that her brother was arrested in connection with Cr.No.1 of 2014 for the offence punishable under Section 420 IPC and Section 5 r/w 4 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978. After the investigation, he was convicted and sentenced to undergo seven years rigorous imprisonment in each case pertaining to C.C.Nos.3, 4 and 5 of 2018. It is the case of the petitioner is that her brother had already undergone more than three years of actual



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imprisonment. Furthermore, the petitioner's mother viz., K.Banthulu, who is 90 years old, has serious medical ailments and is in a critical stage. As a mother, she wants to see her son before she takes her last breath. Therefore, the petitioner made a representation dated 26.01.2024 to the respondent for grant of emergency leave. However, 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.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 respondent to consider the representation of the petitioner dated 26.01.2024, seeking emergency leave 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.



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Anu

5. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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

01.03.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu

To

1. The Superintendent of Prison,
Central Prison,
Cuddalore.

2. The Public Prosecutor,
High Court, Madras.

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