



W.P.No.4437 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM :

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

W.P.No.4437 of 2024
and W.M.P.No.4793 of 2024

M.Lakshmi

... Petitioner

Vs.

The State represented by its,

1.The Secretary to Government of Tamilnadu,
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 Certiorarified Mandamus, calling for



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the records pertaining to the impugned order bearing No.2290/Tha.Ku.3/2024 dated 12.02.2024 passed by the 3rd respondent and quash the same and consequently direct the 1st and 2nd respondents to grant ordinary leave for 30 days without escort to the detenu, Mohan, S/o.Ramasamy, aged about 54 years bearing Convict No.1079 at Central Prison, Salem.

For Petitioner : Mr.P. Bakiyaraj
For Respondents : Mr.A. Gokulakrishnan,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

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

The petitioner's request for grant of Ordinary Leave for her husband namely Mohan, S/o.Ramasamy, aged about 54 years, bearing Convict No.1079 at Central Prison, Salem, was rejected through the impugned order dated 12.02.2024, predominantly on the ground that when the convict was earlier granted emergency leave for 3 days on



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25.01.2023, he had failed to report before the Jail Authority on expiry of the said leave on 29.01.2023. Thereafter, a criminal case in Crime No.53 of 2023 under Section 244 of IPC was registered against him and he was re-arrested on 27.03.2023.

2. It is stated by the learned counsel for the petitioner that when the convict's mother expired on 03.02.2024, he was not granted leave to attend the final rites, as well as the 13th day death ceremony and therefore, the 13th day death ceremony is re-scheduled on 29.02.2024. Hence, the petitioner seeks for grant of Ordinary Leave for her husband in this regard..

3. In the given circumstances, by taking into account that the petitioner's husband could not perform the funeral rites of his mother and also by taking into account that he had earlier absconded from jail for more than 2 months, we are of the view that the convict may be out of the Prison on Emergency Leave for a period of 7 days with escort.



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4. Accordingly, there shall be a direction to the respondents herein, to grant Emergency Leave to the petitioner's husband namely Mohan, S/o.Ramasamy, aged about 54 years, bearing Convict No.1079, confined in Central Prison, Salem, for a period of 7 days with minimum escort, commencing from 29.02.2024 till 06.03.2024. After expiry of the Emergency Leave, the convict shall surrender before the third respondent herein, on 06.03.2024 before 05.00 p.m. The convict shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

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

27.02.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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Note: Issue Order Copy on 28.02.2024



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To

1.The Secretary to Government of Tamilnadu,
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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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

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