



WEB COPY



W.P.No.7376 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.7376 of 2024

Geetha

...Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Home Department, Fort St.George,
Chennai – 600 009.

2.The Deputy Inspector General of Prisons,
Chennai Range, Egmore,
Chennai – 600 008.

3.The Superintendent of Central Prison,
Central Prison Puzhal – I,
Chennai – 600 066.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorarified Mandamus, to call for the
records made in No.2168/Tha.ku.2/2024 dated 27/02/2024 passed by the
third respondent herein and quash the same as illegal and direct the first



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respondent to grant 15 Emergency days leave to the lifer Bharathi on medical ground now confined in Central Prison Puzhal – I, Chennai – 66, Convict No.9538.

For Petitioner :: Mr.A.Sivakumar @ Sivaaji
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 call for the records made in No.2168/Tha.ku.2/2024 dated 27/02/2024 passed by the third respondent herein and quash the same as illegal and direct the first respondent to grant 15 Emergency days leave to the lifer Bharathi on medical ground now confined in Central Prison Puzhal – I, Chennai – 66, Convict No.9538.

2. In the affidavit filed in support of the present writ petition, it is stated that the leave is required for arranging funds for medical expenses of the Convict Prisoner's mother.



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3. Mr.E.Raj Thilak, the learned Additional Public Prosecutor produced the copy of the Probation Officer's report dated 27.03.2024, wherein, the Probation Officer has recommended for grant of leave to the Convict Prisoner with escort. The learned Additional Public Prosecutor also submitted that during the period of imprisonment, the prisoner has not availed any other leave.

4. Though the Probation Officer has recommended for grant of leave, the condition stated therein is that the leave could be granted with escort. Since no specific reason has been given for suggesting escort, we are inclined to grant seven (7) days of emergency leave without escort.

5. Accordingly, we permit the petitioner's son/Convict Prisoner viz., Bharathi S/o. Kumaresan, bearing convict no.9538, confined at Central Prison, Puzhal- I, Chennai, to avail Emergency Leave for a period of 7 days without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Bharathi S/o.Kumaresan, bearing



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convict no.9538, confined at Central Prison, Puzhal – I, Chennai on Emergency Leave for a period of seven (7) days i.e., from 08.04.2024 to 14.04.2024.

(ii) The Convict Prisoner shall be released on 08.04.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Central Prison Puzhal - I, Chennai on 14.04.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Polur Police Station, Thiruvananthapuram District, during which time, he shall report on two days i.e., Tuesday and Friday at 05.00 p.m.

(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.

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

(M.S.R.,J.)

(S.M.,J.)

04.04.2024

dk

Speaking / Non-Speaking Order

Neutral Citation : Yes / No

Note to Registry:

1. Issue order copy by 05.04.2024.

2. Upload the order copy forthwith.



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Copy to:-

1. The Secretary,
Home Department, Fort St. George,
Chennai – 600 009.

2. The Deputy Inspector General of Prisons,
Chennai Range, Egmore,
Chennai – 600 008.

3. The Superintendent of Central Prison,
Central Prison Puzhal – I,
Chennai – 600 066.

4. The Public Prosecutor,
High Court, Madras.



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AND

SUNDER MOHAN,J.

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