



WEB COPY



W.P.No.7466 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.7466 of 2024

Krishnaveni,

...Petitioner/Wife of the detenu

vs.

The State represented by its,

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

2.The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal – 600 066.

3.The Superintendent,
Puzhal Central Prison,
Puzhal – 600 066.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus, directing the respondents to
grant ordinary leave for one month without escort to the detenu, Elumalai,



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S/o.Ponnusamy, aged about 57 years, Convict Prisoner, bearing Convict No.2239 confined at Central Prison, Puzhal.

For Petitioner :: Mr.P.Bakiyaraj
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 direct the respondents to grant ordinary leave for one month without escort to the detenu, Elumalai, S/o.Ponnusamy, aged about 57 years, convict prisoner, bearing Convict No.2239 confined at Central Prison, Puzhal.

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 wife.

3. Mr.E.Raj Thilak, the learned Additional Public Prosecutor, produced the copy of the Probation Officer's report dated 28.03.2024,



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wherein he has not recommended for the grant of leave to the
Convict Prisoner namely Elumalai, S/o.Ponnusamy, aged about 57 years,
Convict Prisoner, bearing Convict No.2239 confined at Central Prison,
Puzhal.

4. Though the Probation Officer states that the petitioner/wife of the
Convict Prisoner, is not taking treatment, he has confirmed that she suffers
from Elephantiasis. In view of the same, she might require treatment at a
later stage also and therefore, we are inclined to grant ordinary leave for a
period of seven (7) days to the Convict Prisoner, without escort.

5. Accordingly, we permit the petitioner's husband/Convict Prisoner
namely, Elumalai, S/o.Ponnusamy, aged about 57 years, bearing Convict
No.2239, confined at Central Prison, Puzhal, to avail Ordinary Leave for a
period of seven (7) days without escort, on the following conditions.

(i) Respondents are directed to release the Convict
Prisoner namely, Elumalai, S/o.Ponnusamy, aged about 57
years, bearing Convict No.2239, confined at Central Prison,



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Puzhal, on Ordinary Leave for a period of seven (7) days i.e., from 22.04.2024 to 28.04.2024.

(ii) The Convict Prisoner shall be released on 22.04.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Central Prison Puzhal, on 28.04.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Perumbakkam Police Station, Chennai, daily at 05.00 p.m., during the period of leave.

(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.

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

(M.S.R.,J.) (S.M.,J.)
04.04.2024

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Speaking / Non-Speaking Order

Neutral Citation : Yes / No

Note to Registry:

1.Issue order copy by 17.04.2024.

2.Upload the order copy forthwith.



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Copy to:-

- 1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.
- 2.The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal – 600 066.
- 3.The Superintendent,
Puzhal Central Prison,
Puzhal – 600 066.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

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