



W.P.No.7607 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.7607 of 2024

D.Prema

...Petitioner / sister of the detenue

vs.

The Superintendent of Prison,
Central Prison,
Cuddalore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondent to grant 6 days of emergency leave to the petitioner's brother viz., K.Bala @ Balasubramnaiyan, S/o.Kuzhandhaivelu, aged 47 years, Convict Prisoner, Central Prison, Cuddalore, without police escort.



WEB COPY



W.P.No.7607 of 2024

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.**)

To the petitioner's request for grant of emergency leave to her brother, viz., K.Bala @ Balasubramnaiyan, S/o.Kuzhandhaivelu, aged 47 years, who is a convict prisoner, the Probation Officer, through his report dated 14.03.2024, has favourably recommended for grant of leave with escort.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.Learned counsel for the petitioner submitted that the petitioner's mother, who is aged about 90 years, has severe medical ailment. If the petitioner's brother is granted leave with escort, serious prejudice would be



W.P.No.7607 of 2024

caused owing to the presence of the escort at her residence.

WEB COPY

4.It is seen that no reason has been assigned by the Probation Officer in his report dated 14.03.2024 as to why escort is necessary for grant of leave. We have also taken into consideration that out of the total sentence of 3 years 6 months, the petitioner's brother has already undergone 3 years and 1 month of imprisonment. This apart, it is also stated by the learned counsel for the petitioner that there is neither any threat to the life and liberty of the petitioner's brother nor any such threat anticipated from his side.

5.In view of the favourable report of the Probation Officer and in the absence of any reasons for grant of any escort, we are inclined to modify the order passed by the Probation Officer dated 14.03.2024 insofar as it orders for escort.

6. Accordingly, there shall be a direction to the respondent herein, to forthwith pass orders, granting emergency leave to the petitioner's brother, for a period of 6 days, commencing from 10.00 am on 26.03.2024 to 5 pm



W.P.No.7607 of 2024

on 01.04.2024. On expiry of the emergency leave without escort, the detenu shall serve life conviction, as well as surrender before the prison authorities.

During the period of this emergency leave, the petitioner's brother shall report before the Chitlapakkam Police Station, Tambaram Commissionarate, on 28.03.2024 and 30.03.2024 at 10.30 a.m.

7. With the above directions, the Writ Petition stands allowed. No costs.

(M.S.R.,J.) (S.M.,J.)
22.03.2024

Note to Registry:

- 1.Issue order copy by 25.03.2024.
 - 2.Upload the order copy forthwith.
- Anu

To

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

2.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.7607 of 2024

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

Anu

W.P.No.7607 of 2024

22.03.2024