



WEB COPY



WMP No.8775 of 2024
in WP No.35049 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM :

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

W.M.P. No.8775 of 2024
in
W.P No.35049 of 2023

Bhuvaneshvari

...Petitioner/Wife of the Detenu

VS.

1.The State represented by its
The Secretary to Government,
Home Department,
Fort St.George,
Chennai – 600 009.

2.The Superintendent,
Salem Central Prison,
Salem – 636 007.

...Respondents

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, to direct the respondents to grant interim leave for 40 days to the detenu Nagarajan, S/o. Mariappan, Convict No.8161 detained at Central Prison Salem.



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For Petitioner :: Mr.S.Manoharan

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 miscellaneous petition has been filed by the petitioner, seeking interim leave for 40 days to her husband/Convict Prisoner namely Nagarajan S/o.Mariappan, aged about 56 years, Convict No.8161, confined at Central Prison, Salem.

2.The petitioner's request for premature release of her husband/Convict Prisoner namely Nagarajan S/o.Mariappan, aged about 56 years, has been pending consideration before the Government and on this ground, the respondents have been seeking time for filing of their counter. Though five opportunities were given between 22.12.2023 to 21.03.2024, the respondents are yet to file their counter.



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3. In this background, we are of the view that the petitioner's husband/Convict Prisoner namely Nagarajan S/o.Mariappan, aged about 56 years could be granted temporary leave from 25.03.2024 to 06.06.2024.

4. Accordingly, we permit the petitioner's husband/Convict Prisoner i.e.,Nagarajan S/o.Mariappan aged about 56 years, bearing Convict No.8161, confined at Central Prison, Salem, to avail leave from 25.03.2024 to 06.06.2024 without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner, viz., Nagarajan S/o.Mariappan aged about 56 years, bearing Convict No.8161, confined at Central Prison, Salem, on leave from 25.03.2024 to 06.06.2024.

(ii) The Convict Prisoner shall be released on 25.03.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Central Prison Salem on 06.06.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Mettur, Police Station, Salem District, once in a week i.e., on every Monday at 05.00 p.m., during the period of leave.



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(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 miscellaneous petition stands allowed.

6. Post the main writ petition on 05.06.2024.

(M.S.R.,J.) (S.M.,J.)
21.03.2024

Note to Registry:

- 1.Issue order copy by 22.03.2024.
 - 2.Upload the order copy forthwith.
- dk

Copy to:-

- 1.The Secretary to Government,



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Home Department,
Fort St.George,
Chennai – 600 009.

2.The Superintendent,
Salem Central Prison,
Salem – 636 007.

3.The Public Prosecutor,
High Court, Madras.



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