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W.P.No.9244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM :

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

W.P.No.9244 of 2024

Vanitha

... Petitioner/wife of the detainee

Vs.

The State represented by its,
1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore-641 018.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore-641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing No.23779/Tha.Ku.3/2024, dated 05.03.2024, passed by the second respondent and quash the same and consequently, direct the first respondent to grant ordinary leave for 30 days without escort to the detainee, Selvaraj, S/o.Samuvel, aged about 48 years, convict prisoner, bearing Convict No.21000 confined at Central Prison, Coimbatore.



WEB COPY



W.P.No.9244 of 2024

For Petitioner : Mr.M.Ezhilarasu
For Respondents : Mr.E. Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

M.S.RAMESH, J.

and

SUNDER MOHAN, J.

This writ petition has been filed to call for the records pertaining to the impugned order bearing No.23779/Tha.Ku.3/2024, dated 05.03.2024, passed by the second respondent and quash the same, and consequently to direct the first respondent to grant ordinary leave for 30 days, without escort, to the detenue, Selvaraj, S/o.Samuvel, aged about 48 years, convict prisoner, bearing Convict No.21000, confined at Central Prison, Coimbatore.

2.Heard the learned counsel on either side and perused the documents.

3. The petitioner herein seeks for grant of ordinary leave for her husband for a period of 30 days, without escort, on the ground that she is suffering from chest pain and as per the doctor's advice, she has to



W.P.No.9244 of 2024

undergo coronary artery by pass graft surgery. Therefore, she requires the petitioner's presence to make arrangements for medical expenses.

4.The Probation Officer, in his report dated 16.02.2024, has not recommended for grant of leave as the petitioner did not provide any medical documents regarding the doctor's advice for the required surgery.

5.The learned Additional Public Prosecutor submitted that the prisoner is otherwise eligible for 28 days of ordinary leave.

6.Although the probation officer did not recommend granting leave, considering the medical ground specifically, that the petitioner is taking medication for her chest pain and the doctor has advised her to undergo coronary artery by pass graft surgery, we are inclined to grant ordinary leave for a period of 28 days in exercise of our powers under Article 226 of the Constitution of India.

7. Accordingly, the detenue viz., Selvaraj, S/o.Samuvel, aged about 48 years, convict prisoner, bearing Convict No.21000, confined at Central



W.P.No.9244 of 2024

Prison, Coimbatore, is hereby granted ordinary leave for a period of 28 days, without escort, commencing from 10.00 am on 29.04.2024 to 5 pm of 26.05.2024. On expiry of the ordinary leave, the detenu shall surrender before the prison authorities. During the period of leave, the petitioner shall report before the Inspector of Police, North Police Station, Tiruppur twice a week i.e., on every Monday and Thursday at 05.00 p.m. 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.

8. Accordingly, the Writ Petition stands allowed. No costs.

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

25.04.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

Anu

Note: Issue Order Copy on 26 .04.2024.



W.P.No.9244 of 2024

To

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1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore-641 018.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore-641 018.

3.The Inspector of Police,
North Police Station,
Tiruppur.

4.The Public Prosecutor,
High Court, Madras.



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W.P.No.9244 of 2024

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and
SUNDER MOHAN, J.

Anu

W.P.No.9244 of 2024

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