



WEB COPY



W.P.No.9035 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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J.Suruthika

...Petitioner/wife of the detenue

vs.

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

2.The Additional Director General of Police
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-600 008.

3.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.

4.The Inspector of Police,
Villupuram All Women Police Station,
Villupuram District.

...Respondents



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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 in proceeding vide 9229/Tha.Ku.2/2024 dated 11.03.2024 by the third respondent and quash the same and further direct the respondents 1 to 3 to grant ordinary leave for 15 days without escort to the Convict Mr.Jacob Melki Franklin, S/o.Benjamin, (CT.No.17132) now confined at third respondent prison, for the purpose of 'making arrangements fro higher treatment Kidney surgery of the petitioner's 10 month son and repair the damaged house of the petitioner in pursuant to the petitioner's representation dated 04.03.2024.

For Petitioner : Mr.P.Muthamizhselvakumar

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 records of the proceedings of the third respondent and to direct the respondents to grant ordinary leave for 15 days, without escort, to the petitioner's husband/ detenue viz.,



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Mr.Jacob Melki Franklin, S/o.Benjamin, (CT.No.17132), confined at
Cuddalore Central Prison, Cuddalore District.

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

3. The petitioner seeks for grant of ordinary leave for a period of 15 days based on the need for her husband's presence to make arrangements for their 10 month old son's kidney surgery and to repair their dilapidated house.

4.The Probation Officer, in his report has confirmed that the reasons assigned by the petitioner in her representation dated 31.01.2024.

5. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the petitioner herein.



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6.At this juncture, learned Additional Public Prosecutor submitted that the petitioner is otherwise eligible to avail 28 days of ordinary leave.

7.Accordingly, the convict prisoner viz., Mr.Jacob Melki Franklin, S/o.Benjamin, (CT.No.17132) now confined at Central Prison, Cuddalore, is hereby granted ordinary leave for a period of 28 days, without escort commencing from 18.04.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Mr.Jacob Melki Franklin, S/o.Benjamin, on Ordinary Leave for a period of 28 days i.e., from 18.04.2024 to 15.05.2024.

(ii) The Convict Prisoner shall be released on 18.04.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Cuddalore District on 15.05.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Virudhachalam Town Police Station, Tamil Nadu, twice a week i.e., on every Monday and Thursday at 05.00 pm, 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.

8. Accordingly, the writ petition stands allowed.

(M.S.R.,J.) (S.M.,J.)
15.04.2024

Note to Registry:

1.Issue order copy by 17.04.2024.

2.Upload the order copy forthwith.

Anu

To

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

2.The Additional Director General of Police
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-600 008.

3.The Superintendent of Prison,
Cuddalore Central Prison,
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M.S.RAMESH, J
and

SUNDER MOHAN, J

Anu

4.The Inspector of Police,
Villupuram All Women Police Station,
Villupuram District

5.The Inspector of Police,
Virudhachalam Town Police Station,
Tamil Nadu.

6.The Public Prosecutor,
High Court, Madras.

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