



W.P.No.11755 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Amudha

...Petitioner/ wife of the detenue

VS.

1.The Director General of Police/
Inspector General of Prisons and Correctional Service,
Whannels Road,
Egmore, Chennai-600 008.

2.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai-600066.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to grant 15 days of emergency leave to the petitioner's husband viz., Ganesan, S/o.Govindhan, aged about 52 years, Ct.No.8569, Convict Prisoner, Central prison, Puzhal.



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For Petitioner : Ms.S.Nadhiya
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
Assisted by Mr.C.Aravind

ORDER

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

Since the petitioner's request for the grant of emergency leave of 15 days to her husband, convict prisoner viz., Ganesan, S/o.Govindhan, aged about 52 years, was not considered within a reasonable time, the present Writ Petition has been filed.

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

3.Learned counsel for the petitioner submitted that the petitioner is suffering from uterus tumour, and the doctor has advised her to undergo



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surgery, for which, she requires the petitioner's presence to arrange funds for medical expenses. Therefore, the petitioner seeks emergency leave for a period of 15 days for her husband.

4. The Probation Officer has filed his report dated 29.02.2024, wherein he has favourably recommended for grant of leave with escort. However, in the said report, no reasons has been assigned as to why escort has to be provided.

5. Learned counsel for the petitioner submitted that if the leave is granted with escort, serious prejudice would be caused to the petitioner's family. Hence, he prayed for grant of ordinary leave without escort.

6. We are of the view that instead of escort being provided during the period of leave if the prisoner is directed to report before the concerned jurisdictional police periodically, the grievance of both the petitioner as well as the respondents can be redressed. Accordingly, the respondents herein are ordered to grant leave to the petitioner's husband, convict prisoner viz.,



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Ganesan, S/o.Govindhan, aged about 52 years, for a period of 15 days

without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Ganesan, S/o.Govindhan, aged about 52 years, Convict No.8569, on Ordinary Leave for a period of 15 days i.e., from 06.05.2024 to 20.05.2024.

(ii) The Convict Prisoner shall be released on 06.05.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Puzhal, Chennai on 20.05.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Royapuram Police Station, Chennai, twice a week i.e., on every Monday and Thursday at 05.00 pm, 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.



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

(M.S.R.,J.) (S.M.,J.)
30.04.2024

Note to Registry:

1.Issue order copy by 02.05.2024.

2.Upload the order copy forthwith.

Anu

To

1.The Director General of Police/
Inspector General of Prisons and Correctional Service,
Whannels Road,
Egmore, Chennai-600 008.

2.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai-600066.



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

Anu

4. The Inspector of Police,
Royapuram Police Station,
Chennai.

5. The Public Prosecutor,
High Court, Madras.

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