



W.P.No.13147 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

W.P.No.13147 of 2024

Banumathi

Vs

Petitioner

1. The Union of India,
Rep. By its, The Chief Secretary
Secretariat, Pudhucherry -605 001.
- 2 The Chief Superintendent of Jails,
Mathur Road, Kalapet, Puducherry - 605 014.
- 3 The Superintendent of Prison,
Central Prison at Kalapet,
Mathur Road, Kalapet,
Puducherry -605 014.

Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing to grant leave for a period of 30 days of the Husband of the Petitioner/Convict Prisoner, namely, Mr. Karnan @ Manoharan S/o. Subramani, from 09.05.2024 in pursuance of the petitioner's representation, dated 03.05.2024.

For Petitioner

: Mr. R.Thamarai Selvan



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For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

The Writ of Mandamus Petition has been instituted to grant leave for the period of 30 days to the husband of the petitioner/ convict prisoner, namely, Mr.Karnan @ Manoharan, S/o. Subramani, from 09.05.2024 in pursuance of the petitioner's representation, dated 03.05.2024.

2. The learned Additional Public Prosecutor would oppose the petition by stating that the petitioner is no more the wife of the convict prisoner. A decree of divorce dated 12.06.2009 has been issued by the competent Court. Therefore, the petitioner has filed a false affidavit along with the writ petition stating that she is the wife of the convict prisoner and thus, the writ petition is liable to be rejected merely on the ground that the petitioner has filed a false affidavit. More so, on an earlier occasion, the same convict prisoner, while availing the leave, absconded without surrendering himself to the Prison Authorities. Thereafter, the police arrested him with great difficulty.



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3. Since the conduct of the convict prisoner is not questionable and the writ petitioner filed a false affidavit stating that she is the wife of the convict prisoner, the writ petition deserves no merits consideration. Accordingly, the writ petition stands dismissed. No costs.

[S.M.S., J.]

[V.S.G., J.]

12.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

mrp

To

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- 3 The Superintendent of Prison,
Central Prison at Kalapet, Mathur Road, Kalapet,
Puducherry -605 014.
4. The Public Prosecutor,
High Court, Madras.

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.



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