



WP.No.13279 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.05.2024

CORAM:
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

and

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

WP.No.13279 of 2024

M.Jayashree

.. Petitioner

Vs.

1. The State Represented by its
The Deputy Inspector General of Prison,
Gandhi Irvin Road, Egmore,
Chennai 600 008

2. The Superintendent of Prison,
Puzhal Central Prison – I,
Puzhal – 600 066

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant emergency leave for 15 days without escort to the detenue, Dinakaran S/o.Mohan Raj aged about 36 years bearing Convict No.6393 confined at Central prison, Puzhal.

For Petitioner : M/s.S.Sadhana



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For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA, J.,)

- (1) Mr.A.Gokulakrishnan, learned Additional Public Prosecutor accepts notice on behalf of the respondents.
- (2) The present petition is filed by the petitioner / sister of the detenu, a life convict bearing Convict No.6393, who is now housed at Central Prison, Puzhal, seeking a direction to the respondents to grant fifteen days emergency leave to her brother.
- (3) The learned counsel for the petitioner submitted that the detenu Dinakaran is the elder brother of the petitioner herein and he is undergoing imprisonment for the past eight years. He would further submit that the father of the detenu died on 24.04.2024 and that the fifteenth day death ceremony is to be held on tomorrow [10.05.2024]. Hence, the learned counsel prayed for emergency leave for fifteen days without escort.



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(4) *Per contra*, the learned Additional Public Prosecutor objected for grant of emergency leave on the ground that very recently, the detenu had been granted emergency leave under Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982, to attend the funeral ceremony of his father on 24.04.2024 and hence, prayed for dismissal of this writ petition.

(5) In the present case, the fifteenth day death ceremony of the petitioner's father is scheduled to be conducted on 10.05.2024 [tomorrow]. As a son, his presence is very much essential for the said ceremony. Though Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982 does not specify the fifteenth day death ceremony as a ground for grant of emergency leave, taking into sympathetic and humanitarian consideration, this Court is inclined to direct the 2nd respondent to grant emergency leave to the detenu Dinakaran, son of Mohan Raj, aged about 36 years, as it is an important ritual for the petitioner's brother.

(6) Therefore, we are inclined to dispose of the writ petition with the following directions:



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- (i) The convict prisoner, namely, Dinakaran, S/o.Mohan Raj, (C.P.No.6393) shall be granted emergency leave for a period of one day, i.e., on 10.05.2024.
- (ii) The respondents are entitled to impose necessary conditions.
- (iii) The Convict Prisoner **shall be released from the Central Prison, Puzhal, today [09.05.2024] at 6.00 p.m.**
- (iv) The convict prisoner **shall report back** to the Superintendent of Prison, Central Prison, Puzhal / 2nd respondent herein, **by 5.30 p.m. on 10.05.2024, without fail.**
- (v) **Necessary escort shall be provided to accompany the convict prisoner.**
- (vi) The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment period.
- (vii) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

[ADJCJ] [RKMJ]
09.05.2024

AP

Internet : Yes

NOTE: ISSUE ORDER COPY TODAY [09.05.2024]



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To

1. The Deputy Inspector General of Prison,
Gandhi Irvin Road, Egmore,
Chennai 600 008
2. The Superintendent of Prison,
Puzhal Central Prison – I,
Puzhal – 600 066.
3. The Public Prosecutor
High Court, Chennai.



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A.D.JAGADISH CHANDRA,J.,
and
R.KALAIMATH,J.,

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