



WEB COPY



W.P.No.14125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.14125 of 2024
and W.M.P.No.15307 of 2024

P.Gunavathi

... Petitioner

Vs.

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

2.The 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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Certiorari Mandamus, calling for the



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records and quash the impugned rejection order passed vide No.7384/Tha.Ku.2/2024 dated 14.05.2024 by the 3rd respondent and further direct the 3rd respondent to grant Emergency Leave of 6 days without escorts to the petitioner's husband viz. convict prisoner Perumal, S/o.Suryakandhan, CT-17259 for withdraw the amounts in the Bank and pay the school fees in pursuant to my representation to the respondents dated 10.05.2024.

For Petitioner : Mrs.Mohammed Saifulla
for P.Muthamizh Selvakumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
Assisted by Mr.C.Aravind

ORDER

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

This Writ Petition has been filed challenging the impugned rejection order passed by the 3rd respondent vide No.7384/Tha.Ku.2/2024 dated 14.05.2024 and to further direct the 3rd respondent to grant Emergency Leave of 6 days without escorts to the petitioner's husband viz. convict prisoner Perumal, S/o.Suryakandhan,



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CT-17259 for withdrawing the amounts deposited in the Bank and pay the school fees in pursuant to the representation to the respondents dated 10.05.2024.

2. The only reason assigned in the impugned order for rejecting the petitioner's request for grant of emergency leave to her husband is that an appeal in CrI.A.No.970 of 2023 is pending before the Hon'ble High Court.

3. The learned counsel for the petitioner submitted that the convict prisoner has to withdraw amounts from the Bank to pay the school fee.

4. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 03.06.2024, which is in favour of the convict prisoner and the Probation Officer has stated that the reason for which the petitioner seeks emergency leave (i.e.) for withdrawing the amount to pay the school fee, is genuine.



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5. Since no other reason has been assigned in the impugned order dated 14.05.2024 for rejecting the petitioner's representation and that the report of the Probation Officer dated 03.06.2024, is also in favour of the petitioner, we are inclined to consider the prayer sought for in this Writ Petition.

6. Accordingly, the impugned order dated 14.05.2024 passed in No.7384/Tha.Ku.2/2024 by the 3rd respondent, is hereby quashed. Consequently there shall be a direction to the respondents herein, to grant 3 days emergency leave ***“with escort of three policemen”*** to the convict prisoner namely Mr.Perumal, S/o.Suryakandhan, CT.No.17259, commencing from 10.06.2024 to 12.06.2024. After expiry of the Emergency Leave, the convict prisoner shall surrender before the Jail Authorities on 13.06.2024 before 10.00 a.m. The prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.



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7. With the above direction, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R., J]

[S.M., J]

04.06.2024

Index: Yes/No
Neutral Citation

kas

Note: Issue Order Copy on 07.06.2024

To

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

2.The 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 Public Prosecutor



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High Court of Madras
Chennai 600 104

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SUNDER MOHAN, J.

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