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W.P.No.15146 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.15146 of 2024

Nirosha

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondent to grant 6 days emergency leave without escort to the petitioner's husband namely R.Rajesh Kumar @ Rajesh, S/o.Raj, aged about 34 years, Convict Prisoner, Central Prison, Puzhal, Chennai.



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For Petitioner : M/s.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.

Claiming that the convict prisoner's father is seriously ill, the petitioner sought for emergency leave for the convict prisoner before the Prison Authorities. Through the impugned order dated 17.05.2024, 6 days of emergency leave was granted to him with police escort by the Prison Authorities. However, the prisoner had declined to avail the leave, since the police escort would cause serious inconvenience to him and his family members.

2.It is now brought to our notice that earlier through orders passed by this Court on 18.01.2024, in W.P.No.328 of 2024, 21 days of leave without escort was considered by us to the convict prisoner herein. The prisoner had also surrendered before the Prison Authorities on completion



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of such leave, without any adverse reports.

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3.While that being so, we are unable to appreciate why police escort requires to be given to him during the course of 6 days of emergency leave as aforesaid. In view of the above, the order of the Superintendent of Prisons, dated 17.05.2024, granting 6 days of emergency leave to the convict prisoner with police escort would be converted to one without police escort.

4.Accordingly, the petitioner's husband/convict prisoner namely R.Rajesh Kumar @ Rajesh, S/o.Raj, aged about 34 years, shall be granted 6 days of emergency leave **“without escort”** commencing from 20.06.2024 to 25.06.2024, with a condition that he shall report before the jurisdictional Police i.e. H5, New Washermenpet Police Station, Chennai, twice a week on Saturdays and Tuesdays at 10.30 am. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 26.06.2024 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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5. With the above direction, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

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Index: Yes/No

Speaking/Non-speaking order

Tsg

Note: Issue Order Copy on 19.06.2024

To

1.The Deputy Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

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

3.The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.

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