



WEB COPY



W.P.No.17716 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**  
**and**  
**THE HONOURABLE MR. JUSTICE R.SAKTHIVEL**

W.P.No.17716 of 2024

Kaliyammal

... Petitioner

**Vs.**

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

2. Additional Director General Of Police  
And Inspector General Of Prison,  
Whannels Road, Egmore,  
Chennai-600 008.

3. The Superintendent of Prison,  
Cuddalore Central Prison,  
Cuddalore District.

4. The Inspector Of Police,  
Pantrutti All Women Police Station,  
Cuddalore District.

... Respondents

**Prayer :-** Writ petition filed under Article 226 of the Constitution of India  
praying for issuance of a Writ of Certiorarified Mandamus, to call for the



W.P.No.17716 of 2024

records in Proceeding Vide 8198 / Tha. Ku. 2 / 2024 dated 03.06.2024 by the 3rd respondent and quash the same and further direct the respondent 1 to 3 to grant Emergency leave 10 days without escort to the Convict Mr.Dhanasekar S/o.Kaliyaperumal (CT.No. 17038) now confine in 3rd respondent Prison, for the purpose of making arrangements for higher treatment of the petitioner and repair the damaged house of the petitioner, in pursuant to petitioner representation dated 26.05.2024.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

### **ORDER**

***(Order of the Court was delivered by S.M.Subramaniam J.)***

The Writ Petition has been instituted by the mother of the convict prisoner challenging the order of rejection passed by the Superintendent of Prison, Cuddalore Central Prison, refusing to grant emergency leave to the convict prisoner, quash the same and further direct the respondents 1 to 3 to grant Emergency leave of 10 days without escort to the Convict Mr.Dhanasekar S/o.Kaliyaperumal (CT.No. 17038), who was convicted for the offences under Sections 374AB of IPC r/w 6 of POCSO Act and sentenced to undergo rigorous imprisonment for 20 years and to pay a fine of



W.P.No.17716 of 2024

Rs.10,000/-, and in default to undergo simple imprisonment for three months by the Session Judge, Special Court for exclusive trial of cases under POSCO Act Cuddalore in Spl.S.C.No.80 of 2019 dated 30.11.2021

2. The learned counsel for the petitioner submitted that the petitioner's son/convict prisoner has undergone 2 years 7 months of imprisonment. He would further submit that the petitioner is the mother of the convict prisoner, who is aged about 62 years and is suffering from age related ailments. She is willing to take treatment with the assistance of her son/ convict prisoner and for that purpose an application was submitted seeking Emergency Leave for a period of 10 days to her son/ convict prisoner, which was rejected without any valid reason and thus, this writ petition came to be instituted.

3. The learned Additional Public Prosecutor Mr.E.Raj Thilak would oppose by stating that the Probation Officer's report would reveal that the victim girl's house situate nearby the residential house of the convict prisoner and the family of the victim girl used to visit that house. However, it is further stated that the victim girl's family is not permanently residing in that house.



W.P.No.17716 of 2024

WEB COPY

4. Since the victim girl's family is not residing in the nearby house of the petitioner's residence, there is no impediment in considering the request of the petitioner to grant 10 days emergency leave to the convict prisoner for which he is otherwise eligible under rules. Thus, this Court is inclined to grant 10 days Emergency Leave to the convict prisoner.

5. Accordingly, the convict prisoner viz., Mr.Dhanasekar S/o.Kaliyaperumal aged 35 years, confined in Central Prison, Cuddalore, is hereby granted Emergency Leave without escort for a period of 10 days commencing from **23.08.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Mr.Dhanasekar S/o.Kaliyaperumal aged 35 years, confined in Central Prison, Cuddalore on Emergency Leave without escort for a period of 10 days commencing from **23.08.2024**

(ii) The Convict Prisoner shall be released on 23.08.2024 at 10.00 a.m. and surrender before the Superintendent, Central Prison, Cuddalore on 02.09.2024 at 05.30 p.m.



W.P.No.17716 of 2024

WEB COPY

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Panruti All Women Police Station, Cuddalore District twice at 05.30 p.m. during the 10 days 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.

6. Accordingly, the writ petition stands **disposed of**. No Costs.

(S.M.S.J.,)

(R.S.V.J.,)

19.08.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



W.P.No.17716 of 2024

WEB COPY

To

1. The Home Secretary,  
Home Department,  
Secretariat, Fort St.George,  
Chennai-600 009.
2. Additional Director General Of Police  
And Inspector General Of Prison,  
Whannels Road, Egmore,  
Chennai-600 008.
3. The Superintendent Of Prison,  
Cuddalore Central Prison,  
Cuddalore District.
4. The Inspector Of Police,  
Pantrutti All Women Police Station,  
Cuddalore District.
5. The Public Prosecutor,  
High Court, Madras.



WEB COPY



W.P.No.17716 of 2024

**S.M.SUBRAMANIAM, J.**

**and**

**R.SAKTHIVEL, J.**

(sha)

W.P.No.17716 of 2024

19.08.2024