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W.P.No.23410 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :

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

W.P.No.23410 of 2024

Meenakshi

... Petitioner

Vs.

1. State by:

The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

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

3. 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 Certiorarified Mandamus, to call for the records in the order dated 24.07.2024 bearing No.168196/tha.ku.2/2024 passed by the respondent no.3 and quash the same and direct the respondent no.3 to grant emergency leave to the petitioner's husband, namely Saravanan S/o.



W.P.No.23410 of 2024

Ezhumalai, aged 50 years, Convict No.5982.Convict Prisoner, Central Prison,
Puzhal.

For Petitioner : Mrs. S. Nadhiya

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

ORDER

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

This petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order dated 24.07.2024 passed by the 3rd respondent in No.168196/tha.ku./2024 and to direct the 3rd respondent to grant emergency leave for a period of 10 days to the petitioner's husband, namely, **Saravanan S/o.Ezhumalai, aged about 50 years, convict prisoner, bearing Convict No.5982 confined at Central Prison, Puzhal**, who was convicted by the learned Metropolitan Magistrate, XI Metropolitan magistrate Court, Saidapet, Chennai in CC No.1918 of 2024 dated 23.07.2015, as under:-

Conviction under Section	Sentence
465 IPC	Simple imprisonment for 2 years and to pay a fine of Rs.1,000/-, in default, to undergo Simple imprisonment for 6 months.
471 r/w.468 IPC	Rigorous Imprisonment for 3 years and to



W.P.No.23410 of 2024

Conviction under Section	Sentence
	pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for 6 months.
420 r/w.34 IPC	Rigorous Imprisonment for 3 years and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for 6 months.
467 IPC	Rigorous Imprisonment for 3 years and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for 6 months.
468 IPC	Rigorous Imprisonment for 3 years and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for 6 months.

The above sentences were ordered to run concurrently.

2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has undergone 2 years 2 months 25 days of imprisonment. He would further submit that convict prisoner, Saravanan's father is counting his last days and wants to see his son and for that purpose an application was submitted seeking Emergency Leave for a period of 15 days to her husband/ convict prisoner, which was rejected without any valid reason and thus, this writ petition came to be instituted.



W.P.No.23410 of 2024

3. The learned Additional Public Prosecutor Mr.E.Raj Thilak would oppose by stating that since there is pending case against the convict prisoner, he is not eligible to avail 15 days emergency leave. However, he may be granted emergency leave for 10 days.

4. Thus, this Court is inclined to grant 10 days Emergency Leave to the convict prisoner. Accordingly, the impugned order dated 24.07.2024 passed by the 3rd respondent in No.168196/tha.ku./2024 stands quashed and the convict prisoner viz., **Saravanan S/o.Ezhumalai, aged about 50 years, convict prisoner, bearing Convict No.5982 confined at Central Prison, Puzhal,Chennai** is hereby granted Emergency Leave without escort for a period of 10 days commencing from **30.08.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., **Saravanan S/o.Ezhumalai, aged about 50 years, convict prisoner, bearing Convict No.5982 confined at Central Prison, Puzhal, Chennai** on Emergency Leave without escort for a period of 10 days commencing from **30.08.2024**.

(ii) The Convict Prisoner shall be released on 30.08.2024



at 10.00 a.m. and surrender before the Superintendent, Central Prison, Puzhal, Chennai on 08.09.2024 at 05.30 p.m.

(iii) 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.

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

[S.M.S., J.]

[V.S.G., J.]

22.08.2024

Index: Yes/No

Speaking/Non-speaking order

mrp

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The Deputy Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Superintendent of Prisons,
Central Prison,
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4. The Public Prosecutor.
High Court, Madras.

S.M.SUBRAMANIAM, J.
AND



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W.P.No.23410 of 2024

V.SIVAGNANAM, J.

mrp

W.P.No.23410 of 2024

22.08.2024