



WEB COPY



W.P.No.23382 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.23382 of 2024

Neelaveni

... Petitioner/wife of the detenu

Vs.

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

2.The Superintendent,
Puzhal Central Prison-1,
Puzhal, 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 emergency leave for 15 days without escort to the detenu, namely, Raji @ Rajkumar, S/o. Devaraj, aged about 55 years, convict prisoner, bearing Convict No.9827 confined at Central Prison, Puzhal.

For Petitioner : Mrs. S.Sadhana

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



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ORDER

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

This petition has been filed seeking a Writ of Mandamus to direct the respondents to grant emergency leave for a period of 15 days for the petitioner, **Raji @ Rajkumar, S/o. Devaraj, aged about 55 years, convict prisoner, bearing Convict No.9827 confined at Central Prison, Puzhal,** who was convicted for the offence under Section 6 with alternative charge u/s.376 DB of IPC @ 376 AB of IPC and was sentenced to undergo Rigorous Imprisonment for 20 years and fine of Rs.5,000/- , in default, Simple Imprisonment for one month by the learned Special Judge, Special Court for the exclusive Trial of POCSO Act Cases, Chennai in Spl.S.C.No.9 of 2021 dated 27.02.2023.

2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has undergone 1 years 9 months 1 day of imprisonment. He would further submit that the petitioner is the wife of the convict prisoner, who is aged about 55 years and she was paralysed due to high blood pressure and the Doctor advised her to admit in the hospital for further treatment. To take her to the hospital for further treatment, the assistance of her husband/convict prisoner is necessary and for that purpose an application was



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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.

3. The learned Additional Public Prosecutor Mr.E.Raj Thilak would oppose by stating that as per the provisions given in Tamil Nadu Suspension of Sentence Rules 1982, a convict prisoner can avail 15 days emergency leave in a year in 4 spells. Hence, he is not eligible for 15 days emergency leave,however, he may be granted emergency leave for 6 days.

4. Thus, this Court is inclined to grant 6 days Emergency Leave to the convict prisoner. Accordingly, the convict prisoner viz.,**Raji @ Rajkumar, S/o. Devaraj, aged about 55 years, convict prisoner, bearing Convict No.9827 confined at Central Prison, Puzhal**, is hereby granted Emergency Leave without escort for a period of 6 days commencing from **30.08.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., **Raji @ Rajkumar, S/o. Devaraj, aged about 55 years, convict prisoner, bearing Convict No.9827 confined at Central Prison, Puzhal** on Emergency Leave without escort for a period of 6 days commencing from **30.08.2024**



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(ii) The Convict Prisoner shall be released on 30.08.2024 at 10.00 a.m. and surrender before the Superintendent, Central Prison, Puzhal on 04.09.2024 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 Deputy Inspector General of Prison,
Gandhi Irwin Road,
Egmore, Chennai 600 008.

2. The Superintendent,
Puzhal Central Prison-1,
Puzhal, 600 066

3. The Public Prosecutor.
High Court, Madras.



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