



WEB COPY



W.P.No.23654 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.23654 of 2024

Amul

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Whannels Road,
Egmore, Chennai 600 008.

2.The Superintendent of Prison,
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 respondents to grant 6 days emergency leave to the petitioner's son namely Karthi S/o. Muniyandi, aged about 33 years, Convict No.8816, Convict Prisoner, Central Prison-1, Puzhal.

For Petitioner : Mrs. S.Nadhiya

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 6 days for the petitioner's son, namely, **Karthi, S/o. Muniyandi, aged about 33 years, convict prisoner, bearing Convict No.8816, confined at Central Prison-1, Puzhal**, who was convicted for the offence under Section 302 IPC and was sentenced to undergo Life Imprisonment and fine of Rs.10,000/- , in default, Simple Imprisonment for 6 months and for the offence under Section 380 of IPC and was sentenced to undergo Rigorous Imprisonment for 7 years and fine of Rs.5000/-, in default, Rigorous Imprisonment for 3 months, by the learned Mahila Judge, Mahalir Neethimandram, Allikulam, Chennai in S.C.No.106 of 2018 dated 03.03.2022.

2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has undergone 2 years 8 months 9 days of imprisonment. He would further submit that the petitioner is the mother of the convict prisoner, who is aged about 54 years and she is suffering from chest pain and Doctor suggested her to undergo surgery, for which, the assistance of her son/convict prisoner is necessary.



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3. The learned Additional Public Prosecutor Mr.E.Raj Thilak would oppose by stating that the petitioner has not enclosed any medical certificate in support of her health ailment, 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., **Karthi, S/o. Muniyandi, aged about 33 years, convict prisoner, bearing Convict No.8816, confined at Central Prison-1, 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., **Karthi, S/o. Muniyandi, aged about 33 years, convict prisoner, bearing Convict No.8816, confined at Central Prison-1, Puzhal**, on Emergency Leave without escort for a period of 6 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 on 04.09.2024 at 05.30 p.m.



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(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 Prisons,
Whannels Road,
Egmore, Chennai 600 008.

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

3. The Public Prosecutor.
High Court, Madras.



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