



WEB COPY



W.P.No.24292 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM :

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

W.P.No.24292 of 2024

Kushma

... Petitioner

Vs.

The State represented by its.

1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.

2.The Superintendent,
Salem Central Prison,
Salem.

... 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 Emergency leave for 15 days without escort to the detainee, Arun Roy S/o.Rajbalam Roy, aged about 35 years, bearing Convict No.9031, Convict Prisoner at Central Prison, Salem.

For Petitioner : Mr.P.Bakiyaraj

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



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ORDER

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

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This petition has been filed seeking direction to the respondent to grant Emergency leave for 15 days without escort to the detenue, Arun Roy S/o.Rajbalam Roy, aged about 35 years, bearing Convict No.9031, Convict Prisoner at Central Prison, Salem, who was convicted for the offences under Sections 302 IPC r/w 34 IPC and 341 IPC and sentenced to undergo Life Imprisonment and to pay fine of Rs.10,000/- by the learned Sessions Judge, Salem in SC.No.39/2009 dated 17.08.2012.

2. The learned counsel for the petitioner would submit that the convict prisoner has undergone 08 years 00 months and 26 days of imprisonment, including the remand set off period and the petitioner of the convict prisoner seeks 15 days leave for his daughter's marriage.

3. The learned Additional Public Prosecutor has objected by stating that the convict prisoner is eligible only for 6 days of emergency leave.

4. Considering the fact that marriage of the daughter of the prisoner is scheduled on 06.09.2024, we are inclined to grant emergency leave for 6 days,



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commencing from 05.09.2024.

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5. Accordingly, the convict prisoner viz., Arun Roy S/o.Rajbalam Roy, aged about 35 years, bearing Convict No.9031, Convict Prisoner at Central Prison, Salem is hereby granted Emergency Leave for a period of 6 days without escort commencing from **05.09.2024** on the following conditions.

(i) Respondent is directed to release the Convict Prisoner viz., Arun Roy S/o.Rajbalam Roy, aged about 35 years, bearing Convict No.9031, Convict Prisoner at Central Prison, Salem, on Emergency Leave for a period of **6 days** without escort commencing from **05.09.2024**.

(ii) The Convict Prisoner shall be released on **05.09.2024** at 10.00 a.m. and surrender before the Superintendent, Salem Central Prison, Salem on **11.09.2024** at 10.00 a.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.

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

[S.M.S., J.]

[V.S.G., J.]

28.08.2024



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Index: Yes/No

Speaking/Non-speaking order

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To

1.The Deputy Inspector General of Prison,
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Coimbatore – 641 018.

2.The Superintendent,



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Salem Central Prison,
Salem.

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3. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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AND
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