



WEB COPY



W.P.No.24198 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM :

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

W.P.No.24198 of 2024

Sowntherya

... Petitioner/wife of the detenue

Vs

1 The State represented by its,
The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.

2. The Superintendent,
Central Prison,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing No.11101/Tha Ku-3/2024, dated 23.07.2024, passed by the 2nd respondent and quash the same and consecutively direct the 1st respondent to grant emergency leave for 15 days without escort to the detenue, Ramdeepak, S/o. Madhes , aged about 35 years, convict prisoner, bearing Convict No.831 , confined at Central Prison, Salem.



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

ORDER

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

The Writ of Certiorarified Mandamus has been instituted challenging the order of rejection dated 23.07.2024 passed by the Superintendent of Prison, Central Prison at Salem.

2. The petitioner submitted an application for emergency leave to the convict prisoner. The leave application was rejected by the respondent mainly on the ground that the detenue has been involved in crime no.584/2012 and the said case is pending.

3. However, the the learned Additional Public Prosecutor would submit that the convict prisoner availed ordinary leave of 28 days from 18.03.2024 to 15.04.2024 .



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4. Mere pendency of a case per se may not be a reason to reject the leave application. Though there is a provision to consider the pending cases, the authorities have to take into consideration other mitigating factors when an application is submitted for emergency leave. Since the earlier application was rejected, the petitioner is at liberty to submit a fresh application seeking emergency leave and on receipt of any such application, the respondents shall consider the same taking note of the circumstances if any explained by the petitioner in such application and pass appropriate orders.

5. With the above directions, this Writ Petition stands disposed of. No costs.

[S.M.S., J.]

[V.S.G., J.]

04.09.2024

Index: Yes/No

Speaking/Non-speaking order

mrp



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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

mrp

To

1. The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.
2. The Superintendent,
Central Prison,
Salem.
3. The Public Prosecutor,
Madras High Court.

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