



WEB COPY



W.P.No.24541 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.24541 of 2024

R.Saraswathy

... Petitioner

Vs.

1.The State rep by its,
The Home Secretary (Prison),
Fort St.George, Secretariat, Chennai – 009.

2.The Director General of Prison,
Office of Director General of Prison,
Egmore – 600 008.

3.The Superintendent of Prison,
Central Prison at Salem,
Hasthampatti, Salem – 636 007.

... Respondent

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 30 days leave to the husband of the petitioner/convict namely D.Radha Krishnan, S/o.Duraisamy, Life Convict Prisoner, (CT No.0631) aged about 53 years, now confined in Salem Central prison in pursuance of the petitioner's representation dated 01.08.2024.

For Petitioner

: Mr.M.Mohamed Saifulla



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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.*)

This petition has been filed seeking direction to the respondent to grant 30 days leave to the husband of the petitioner/convict namely D.Radha Krishnan, S/o.Duraisamy, Life Convict Prisoner, (CT No.0631) aged about 53 years, now confined in Salem Central prison, who was convicted for the offences under Sections 302 IPC and 341 IPC and sentenced to undergo Life Imprisonment by the I Additional Sessions Court, Salem in SC.No.206/2010 dated 31.08.2015.

2. The learned counsel for the petitioner would submit that the convict prisoner has undergone 08 years 04 months and 21 days of imprisonment, including the remand set off period and the petitioner/mother of the convict prisoner seeks 30 days leave for his daughter's marriage.

3. The learned Additional Public Prosecutor has objected by stating that the convict had already availed 28 days of ordinary leave without police escort from 28.12.2023 to 24.01.2024. Therefore, he is not eligible to avail ordinary leave as per the application.



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4. Considering the fact that marriage of the daughter of the prisoner is scheduled on 05.09.2024, we are inclined to grant emergency leave for 15 days, which is to be granted in four spells i.e., 6 days+3 days +3 days+3 days.

5. Accordingly, the convict prisoner viz., D.Radha Krishnan, S/o.Duraisamy, Life Convict Prisoner, (CT No.0631) aged about 53 years, now confined in Salem Central prison is hereby granted Emergency Leave for a period of 15 days without escort commencing from **04.09.2024** on the following conditions.

(i) Respondent is directed to release the Convict Prisoner viz., D.Radha Krishnan, S/o.Duraisamy, Life Convict Prisoner, (CT No.0631) aged about 53 years, now confined in Salem Central prison, on Emergency Leave for a period of **15 days** without escort commencing from **04.09.2024**.

(ii) The Convict Prisoner shall be released on **04.09.2024** at 10.00 a.m. and surrender before the Superintendent, Salem Central Prison, Hasthampatti, Salem – 636 007 on **19.09.2024** 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



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any other activities.

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

[S.M.S., J.]

[V.S.G., J.]

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Index: Yes/No

Speaking/Non-speaking order

gd

To



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Egmore – 600 008.
3. The Superintendent of Prison,
Central Prison at Salem,
Hasthampatti, Salem – 636 007.
4. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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