



W.P.No.24593 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2024

CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

W.P.No.24593 of 2024

Jalagantha
W/o Krishnan

..

Petitioner

v.

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

2. The Superintendent of Prisons
Central Prison, Puzhal
Chennai

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with the order passed by the respondent No.2 dated 29.08.2024 bearing no.CP-PU1/2193/2024-R2 and quashing the same, and directing the respondents to grant 15 days emergency leave without escort to the petitioner's son namely Madhi, S/o Krishnan, aged about 57 years,



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Convict Prisoner, Central Prison, Puzhal.

(Prayer amended vide order of Court dated 12.09.2024 in WMP.No.29377 of 2024 in WP.No.24593 of 2024)

For Petitioner :: Ms.S.Nadhiya

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

ORDER

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

The application submitted by the petitioner seeking emergency leave for 15 days to her son Madhi, S/o Krishnan, was rejected mainly on the ground that 15 days emergency leave cannot be granted and more so, the petitioner has not sought for leave to attend a blood relative. It is factually incorrect to say that the petitioner submitted an application erroneously. The petitioner submitted an application seeking emergency leave to enable the convict prisoner to look after his mother, the petitioner herein suffering from ill-health. Thus the reason stated in the application cannot be said to be false.



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2. However, the learned Additional Public Prosecutor would submit that emergency leave for 15 days cannot be granted, since the Rule provides for 6 days emergency leave alone in the first spell.

3. Considering the fact that there is no adverse remarks against the convict prisoner and the application is submitted to look after his mother, who is suffering from ill-health and taking treatment, we are inclined to pass the following order:-

- (i) The writ petition stands allowed and the impugned order passed by the 2nd respondent dated 29.08.2024 is set aside.
- (ii) The life convict, Madhi, S/o Krishnan, aged 57 years, Convict No.8959, who is confined in Central Prison-I, Puzhal, Chennai, is granted 6 days emergency leave without escort.
- (iii) The leave shall commence from 18.09.2024 10.30 a.m., and the convict prisoner shall surrender before the second respondent by 5.30 p.m., on 23.09.2024.
- (iv) The convict prisoner shall not indulge in any other illegal or unwarranted activities during the aforesaid period of leave.

No costs.

Index : yes

(S.M.S.,J.)

(V.S.G.,J.)



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Neutral citation : yes/no

SS

To

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1. The Deputy Inspector General of Prisons
Chennai Range, Prison Headquarters
Whannels Road, Egmore
Chennai 600 008
2. The Superintendent of Prison
Central Prison-I, Puzhal
Chennai
3. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

V.SIVAGNANAM,J.

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