



WEB COPY

W.P.No.29313 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.29313 of 2024

Manjula Devi

... Petitioner

Vs.

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

2.The Superintendent of Prisons,
Central Prison,
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records in the order dated 27.08.2024 bearing No.16199/tha.ku.3/2024 passed by the respondent No.2 and quashing the same and directing the 2nd respondent to grant ordinary leave for 21 days by without escort to the petitioner namely Navarasan, S/o.Selvaraj aged about 26 years years, convict prisoner, CT.No.23622, Central Prison, Puzhal.



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For Petitioner : Ms.S.Nadhiya
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The writ on hand has been instituted to assail the order of rejection of the leave application submitted by the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The petitioner would submit that the reasons stated in the impugned order is that the prisoner is not eligible, since he has undergone imprisonment for a period of two years and 8 months and not completed three years to avail ordinary leave. However, the prisoner is eligible to avail emergency leave, since the application submitted reveals that the mother of the prisoner has to undergo treatment.



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4. Considering the fact that the presence of the convict prisoner for providing treatment to his mother is required, we are inclined to quash the impugned order dated 27.08.2024 passed by the 2nd respondent and permit the petitioner's son / convict prisoner to avail Emergency Leave for a period of six (6) days without escort, on the following conditions:

- (1) The respondents are directed to release the Convict Prisoner viz., Navarasan S/o.Selvaraj aged about 26 years bearing CT No.23622, confined at Central Prison, Puzhal, Chennai, on Emergency Leave for a period of six (6) days without escort i.e., from 07.10.2024 to 12.10.2024.
- (2) The Convict Prisoner shall be released on 07.10.2024 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison, Puzhal, Chennai, on 12.10.2024 at 05.00 P.M.
- (3) During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.
- (4) 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.



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5. With the above directions, this Writ Petition stands allowed. No

costs.

[S.M.S., J.]

[V.S.G., J.]

03.10.2024

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Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

Jeni

To

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

2.The Superintendent of Prisons,
Central Prison,
Coimbatore.

3.The Additional Public Prosecutor,
Madras High Court.



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AND
V.SIVAGNANAM, J.

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