



WEB COPY



W.P.No.29920 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM :

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

W.P.No.29920 of 2024

Kalaiselvi

... Petitioner/Wife of the
Detenu

Vs.

1. The State represented by its,
The Secretary to the Government
of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai - 600 009.
2. The Director Inspector General of Prison,
Coimbatore Range,
Coimbatore Central Prison,
Coimbatore - 641 018.
3. The Superintendent,
Coimbatore Central Prison,
Coimbatore - 641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing no.16997/Tha.Ku/2024, dated 10.09.2024, passed by the 3rd respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 30 days without escort to the detenu, Thangamani S/o. Periyasamy, aged about 65 years, Convict No.25415,



W.P.No.29920 of 2024

detained at Central Prison, Coimbatore.

WEB COPY

For Petitioner : M/s.Dr.S.Manoharan
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

Rejection of leave application passed by the third respondent in proceedings dated 10.09.2024 is sought to be quashed in the present writ petition.

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

3. The leave application was submitted mainly on the ground that the prisoner is aged about 65 years and has to take medical treatment. In this regard, the Probation Officer conducted an enquiry and filed a Report stating that the reasons stated in the leave application is correct and there is no misrepresentation.

4. Considering the fact that the prisoner is aged about 65 years and the



W.P.No.29920 of 2024

period of conviction is 3 years and further the convict prisoner is suffering from ailments, we are inclined to consider the present writ petition.

5. Accordingly, the impugned order dated 10.09.2024 is quashed and the convict prisoner viz., Thangamani, aged 65 years, S/o. Periyasamy, Convict No.25415 confined at Central Prison, Coimbatore is hereby granted Emergency Leave for 9 days (6+3) without escort commencing from 25.10.2024 on the following conditions:

i) Respondents are directed to release the Convict Prisoner viz., Thangamani, aged 65 years, S/o. Periyasamy, Convict No.25415 confined at Central Prison, Coimbatore on Emergency Leave without escort for a period of 9 days (6+3) i.e., from 25.10.2024 to 02.11.2024.

(ii) The Convict Prisoner shall be released on 25.10.2024 at 10.00 a.m. and surrender before the Superintendent, Central Prison, Coimbatore on 02.11.2024 at 05.30 p.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 **allowed**. No Costs.



W.P.No.29920 of 2024

[S.M.S., J.]

[V.S.G., J.]

21.10.2024

WEB COPY

Index: Yes/No
Speaking/Non-speaking order
veda

To

1. The Secretary to the Government
of Tamil Nadu,
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Fort St.George,
Chennai - 600 009.
2. The Director Inspector General of Prison,
Coimbatore Range,
Coimbatore Central Prison,
Coimbatore - 641 018.
3. The Superintendent,
Coimbatore Central Prison,
Coimbatore - 641 018.
4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



WEB COPY



W.P.No.29920 of 2024

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

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W.P.No.22920 of 2024

21.10.2024
(2/2)