



W.P.No.32937 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

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P.Thenamma

... Petitioner

Vs.

1. The Home Secretary,
Home Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Additional Director of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai - 600 008.
3. The Superintendent of Prison,
Special Prison of Women-Puzhal,
Chennai District.
4. The Inspector of Police,
Thuraipakkam Police Station,
Chennai District

... Respondents



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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 relating to the impugned order in No.950/tha.ku1/2024 dated 16.09.2024 passed by the 3rd respondent and quash the same and further grant emergency leave for period of 21 days.

For Petitioner : Ms. K. Anusuya
For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor

ORDER

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

The rejection of the leave application issued by the Superintendent of Prison, Special Prison of Women, Puzhal, Chennai District, vide its proceedings in No.950/tha.ku1/2024 dated 16.09.2024 is sought to be quashed in the present writ petition.

2. The reason for rejection assigned in the impugned order is that the convict prisoner had already availed 21 days Ordinary Leave from 29.08.2024 to 18.09.2024 pursuant to the order passed by this Court in W.P.No.22592 of 2024 dated 20.08.2024.



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3. The learned counsel for the petitioner Ms.K. Anusha would submit that though surgery date was fixed by the Stanley Hospital Doctors to the mother of the convict prisoner on 20.09.2024, it was not performed on account of various reasons. The mother of the convict prisoner is taking treatment continuously. Since she has to undergo surgery, the convict prisoner submitted an application seeking emergency leave in order to assist her mother. The prisoner has to look after her mother since the sister of the prisoner is living separately and not looking after her mother. More over, the two children of the convict prisoner is also living along with her mother and therefore, the presence of the convict prisoner is required for providing treatment to her mother.

4. The Probation Officer, in his report, recommended the leave application submitted by the convict prisoner on the ground that the reason stated is correct .

5. In view of the fact that the reason stated in the leave application is found to be correct and the mother and the two children of the convict prisoner are living together and the mother of the convict prisoner has to take care of the two children and presently has to undergo surgery in Government Stanley



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Hospital, we are inclined to consider the present writ petition.

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6. Accordingly, the convict prisoner viz., Mrs.Jothi @ Nagajothi, W/o.Chidambaram, aged about 28 years, CT 950, confined at Special Prison of Women, Puzhal, Chennai, is hereby granted Emergency Leave without escort for a period of **6 days** commencing **from 18.11.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., Mrs.Jothi @ Nagajothi, W/o.Chidambaram, aged about 28 years, CT 950, confined at Special Prison of Women, Puzhal, Chennai, on Emergency Leave without escort for a period of 6 days commencing from 18.11.2024.

(ii) The Convict Prisoner shall be released on 18.11.2024 at 10.00 a.m. and surrender before the Superintendent, Special Prison of Women, Puzhal, Chennai, on 23.11.2024 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.

7. Accordingly, the writ petition stands allowed. No Costs.

[S.M.S., J.]

[M.J.R., J.]

13.11.2024

Index: Yes/No



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Speaking/Non-speaking order

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Secretariat, Fort St.George,
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5. The Public Prosecutor,
High Court of Madras.



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mrp

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