



WEB COPY



W.P.No.31267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM :

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

W.P.No.31267 of 2024

R.Deepika

... Petitioner

Vs.

1.The Director General of Prisons,
Office of Director General of Prison,
Whanells Road, Egmore,
Chennai District -600 008.

2.The Superintendent of Prison,
Central Prison Puzhal,
Chennai District.

3.The Superintendent of Prison
Central Prison Vellore,
Vellore District.

... 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 in Proceedings vide No. 8257/Tha.Ku.3/ 2024 dated 27.09.2024 by the 3rd respondent and quash the same and further direct the respondent 1 to 3 to grant emergency leave of Petitioner husband convict Prisoner Mr.RADHAKRISHNAN @ ARUMBAKKAM RADHA S/O.RAMANUJAM now confined in 3rd respondent Prison, for the Purpose of “To take the treatment of his Knee surgery and seen his son aged about 6 years” in



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pursuant to representation dated on 14.08.2024.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
asst. by Mr.M.Sylvester John

ORDER

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

The order of rejection of emergency leave application in Proceedings vide No. 8257/Tha.Ku.3/ 2024 dated 27.09.2024 is sought to be assailed in the present Writ Proceedings.

2. The prisoner is in actual imprisonment for about 5 years and admittedly, not availed any leave under the provisions of Tamil Nadu Suspension of Sentence Rules, 1982. The leave application submitted was rejected on the ground that, there are other cases pending for trial against the prisoner. Therefore, the prisoner is not entitled to avail leave.

3. The learned counsel for the petitioner would submit that the wife of the prisoner is taking care of three minor children and therefore, the prisoner has to visit them and make some arrangements for the education of the children.

4. The Probation Officer on enquiry found that the reason stated is



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incorrect.

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5. We are of the opinion that prisoner has got three minor children and not availed any leave for the past about 5 years, thus, taking note of the fact that prisoner is in actual imprisonment for about 5 years, we are inclined to consider the emergency leave for 6 days from 27.11.2024 till 02.12.2024 at 05.30 p.m with escort.

6. Accordingly, the convict prisoner viz., RADHAKRISHNAN @ ARUMBAKKAM RADHA S/O.RAMANUJAM, Central Prison, Vellore is hereby granted emergency leave for a period of **6 days**, with escort commencing from **27.11.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., RADHAKRISHNAN @ ARUMBAKKAM RADHA S/O.RAMANUJAM, Central Prison, Vellore on emergency Leave for a period of **6 days i.e., from 27.11.2024 to 02.12.2024 .**

(ii) The Convict Prisoner shall be released on **27.11.2024** at 10.00 am and surrender before the Superintendent, Central Prison, Vellore, on **02.12.2024** at 05.30 p.m.

(iii) The Convict Prisoner shall utilize the leave only for



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the ground on which it has been granted and shall not indulge in any other activities.

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

Consequently, the connected Miscellaneous Petition, if any, is closed.

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Speaking/Non-speaking order

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4. The Public Prosecutor
High Court of Madras.



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