



WEB COPY



W.P.No.32279 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**

W.P.No.32279 of 2024  
and WMP.No.35069 of 2024

Santhiya Priya

... Petitioner

*Vs.*

1.The State rep by its  
The Deputy Inspector General of Prison,  
Coimbatore Zone  
Coimbatore.

2.The Superintendent  
Central Prison,  
Salem

... 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.23204/Tha.Ku-3/2024 dated 08.10.2024 passed by the second respondent and quash the same and consecutively direct the 1<sup>st</sup> respondent to emergency leave for 15 days without escort to the detenue, Mohan, S/o.Ramasamy aged about 54years bearing convict No.1079 at Central Prison, Salem.

For Petitioner : M/s.S.Pandiyan

For Respondents : Mr.R.Muniapparaj



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Additional Public Prosecutor

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**ORDER**

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

The leave application has been filed on the ground that the wife of the prisoner has to undergo renal surgery.

2. The Additional Public Prosecutor would submit that on verification with the authorities it is found that the reason stated is correct. However, an objection raised by the respondents is that on earlier occasion, the petitioner availed three days emergency leave and absconded without surrendering before the authorities. Subsequently, he was arrested on 27.03.2023 by the authorities and case was registered in Cr.No.53 of 2023 under Section 224 IPC.

3. However, we find that the wife of the prisoner has to undergo renal surgery and date of surgery was also fixed. That being the factum, we are inclined to grant emergency leave to the prisoner for **6 days** commencing from **17.11.2024 to 22.11.2024**.

4. Accordingly, the convict prisoner viz., Mr.Mohan S/o.Ramasamy aged about 54 years bearing Convict No.1079 now confined at Central Prison, Salem



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is hereby granted emergency leave for a period of **6 days**, with **escort**

commencing from **17.11.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Mr.Mohan S/o.Ramasamy aged about 54 years bearing Convict No.1079 now confined at Central Prison, Salem on Emergency Leave for a period of **6 days i.e., from 17.11.2024 to 22.11.2024.**

(ii) The Convict Prisoner shall be released on **17.11.2024** at 10.00 am and surrender before the Central Prison, Salem on **22.11.2024** 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.

5. Accordingly, the writ petition stands allowed by quashing the proceedings No.23204/Tha.Ku-3/2024 dated 08.10.2024 passed by the second respondent. No Costs. Consequently, the connected Miscellaneous Petition is closed.

[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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To

1.The State rep by its  
The Deputy Inspector General of Prison,  
Coimbatore Zone  
Coimbatore.

2.The Superintendent  
Central Prison,  
Salem

3. The Public Prosecutor  
High Court of Madras.



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**S.M. SUBRAMANIAM, J.**  
**AND**  
**M. JOTHIRAMAN, J.**

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