



WEB COPY



W.P.No.31535 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

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

W.P.No.31535 of 2024

S.Kamalakaran

... Petitioner

Vs.

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

2. The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai - 600 066

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to grant emergency leave for 15 days by considering the representation of the petitioner dated 11.09.2024 namely Kamala Kannan , S/o. Subramaniyan, aged about 64 years, Convict Prisoner, Convict No.10443, Central Prison-I, Puzhal, Chennai- 600 066.

For Petitioner : Mr. M. Vishnuvardhan

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor



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ORDER

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The writ on hand came to be instituted since the emergency leave application submitted by the convict petitioner has not been considered by the respondents.

2. The convict prisoner is in actual imprisonment for about 10 months. He was convicted under the Prevention of Corruption Act to undergo imprisonment for 2 years.

3. The learned counsel for the petitioner/convict prisoner would submit that convict petitioner's wife has to undergo spinal guard surgery and therefore, he submitted an application seeking emergency leave for 15 days.

4. The Probation Officer's report would reveal that there is no adverse conduct noticed.

5. Considering the fact that the wife of the petitioner/convict prisoner has to undergo surgery, we are inclined to grant emergency leave for 15 days, which is to be granted in 4 spells as per the leave rules in force.

6. Accordingly, the convict prisoner viz., **Kamala Kannan, S/o.Subramaniyan, aged about 64 years, Convict Prisoner, Convict No.10443, now confined at Central Prison-I, Puzhal, Chennai**, is hereby



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granted Emergency Leave without escort for a period of 15 days commencing

from **31.10.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., **Kamala Kannan, S/o.Subramaniyan, aged about 64 years, Convict Prisoner, Convict No.10443, now confined at Central Prison-I, Puzhal, Chennai** on Emergency Leave without escort for a period of **15 days** commencing from **31.10.2024**

(ii) The Convict Prisoner shall be released on **31.10.2024 at 10.00 a.m.** and surrender before the Superintendent, Central Prison-I, Puzhal on **14.11.2024 at 05.30 p.m.**

(iii) The Convict Prisoner is directed to report before the Inspector of Police, M-1 Madhavaram Police Station, Chennai District, twice in a week, i.e., on Monday and Friday at 10.30a.m., during the period of leave.

(iv) 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.] [V.S.G., J.]
29.10.2024

Index: Yes/No

Speaking/Non-speaking order

mrp

Note : Issue Order copy today

S.M.SUBRAMANIAM, J.



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AND
V.SIVAGNANAM, J.

mrp

To

1. The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road, Egmore,
Chennai 600 008.
2. The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai - 600 066
3. The Public Prosecutor,
High Court of Madras.

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