



WEB COPY



W.P.No.32611 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.32611 of 2024

Malliga
W/o Udhayakumar .. Petitioner

v.

1. The State represented by its
The Deputy Inspector General of Prison
Gandhi Irwin Road, Egmore
Chennai 600 008

2. The Superintendent
Puzhal Central Prison-I
Puzhal 600 066 .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with impugned order dated 12.10.2024 in proceedings No. 404587/ThaKu2/2024 passed by the second respondent and quash the same and directing the respondents to grant emergency leave for 15 days without escort to the detenu Udhayakumar, S/o Muthu, aged about 47 years, bearing Convict No.8687 confined at Central Prison, Puzhal.



W.P.No.32611 of 2024

For Petitioner :: M/s S.Sadhana

For Respondents :: Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The rejection of leave application in proceedings dated 12.10.2024 issued by the second respondent is sought to be quashed in the present writ proceedings.

2. The petitioner submitted a leave application seeking emergency leave for 15 days to the prisoner. The authorities rejected the application on the ground that there is no provision under the rules to grant emergency leave for 15 days. Thus the present writ petition came to be instituted.

3. The learned Additional Public Prosecutor would submit that the Probation Officer recommended the case of the prisoner for grant of emergency leave. However, the authorities cannot grant 15 days emergency leave in one stretch. But they can grant six days emergency leave at the first



W.P.No.32611 of 2024

instance and thereafter nine days can be granted in three spells, namely,
3+3+3.

4. In view of the fact that the Probation Officer recommended the case of the petitioner for grant of emergency leave, we are inclined to consider the present writ petition and accordingly pass the following order:-

- (i) The writ petition stands allowed and the impugned order passed by the 2nd respondent dated 12.10.2024 is set aside.
- (ii) The prisoner, namely, Udhayakumar, S/o Muthu, aged about 47 years, Convict No.8687, who is confined in Central Prison, Puzhal, Chennai, is granted six days emergency leave without escort.
- (iii) The leave shall commence from 11.11.2024 10.30 A.M., and the prisoner shall surrender before the second respondent by 5.30 P.M., on 16.11.2024.

Consequently, W.M.P.No.35457 of 2024 stands closed. No costs.

Index : yes
Neutral citation : yes/no

(S.M.S.,J.) (M.J.R.,J.)
06.11.2024

SS



W.P.No.32611 of 2024

To

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Chennai 600 008
2. The Superintendent
Puzhal Central Prison-I
Chennai 600 066
3. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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