



WEB COPY

W.P.No.35127 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.35127 of 2024

Sumathy

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Prison Head Quarters,
Egmore,
Chennai.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant 15 days emergency leave by without escort for the petitioner's brother namely Aravindan @ Megaraj, S/o.Kulasekaran aged about 39 years, convict prisoner, Central Prison, Puzhal.



WEB COPY



W.P.No.35127 of 2024

For Petitioner : Mrs.S.Nadhiya
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The writ of mandamus has been instituted to direct the respondents to grant 15 days emergency leave to the prisoner.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The petitioner would submit that he is the brother of the prisoner. The father of the prisoner died on 12.11.2024. Despite submitting an emergency leave application, it was not considered at the relevant time. The petitioner filed present petition on the ground that 16th day ceremony is to be fixed on 26.11.2024 and 27.11.2024. Although an emergency leave application was submitted, it was not considered, prompting the institution of this writ petition.



W.P.No.35127 of 2024

4. The prisoner has been in actual imprisonment for approximately 1 year, 11 months, and 7 days. Previously, the prisoner was granted 10 days' ordinary leave and surrendered to the Jail Authority upon its expiry. There have been no reports of adverse conduct by the prisoner while incarcerated.

4. Considering the facts, circumstances, and reasons stated in the petitioner's representation, we are inclined to grant Emergency Leave for a period of six (6) days without escort, on the following conditions:

- (1) The respondents are directed to release the Convict Prisoner viz., Aravindan @ Megaraj, S/o.Kulasekaran, aged about 39 years, confined at Central Prison, Puzhal, Chennai, on Emergency Leave for a period of six (6) days without escort i.e., from 25.11.2024 to 30.11.2024.
- (2) The Convict Prisoner shall be released on 25.11.2024 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison, Puzhal, Chennai, on 30.11.2024 at 05.00 P.M.
- (3) During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.
- (4) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other



W.P.No.35127 of 2024

activities.

WEB COPY

5. With the above directions, this Writ Petition stands allowed. No costs.

[S.M.S., J.] [M.J.R., J.]
21.11.2024

Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

Jeni

To

- 1.The Deputy Inspector General of Prisons,
Prison Head Quarters,
Egmore,
Chennai.
- 2.The Superintendent of Prison,
Central Prison,
Chennai.
- 3.The Additional Public Prosecutor,
Madras High Court.



WEB COPY



W.P.No.35127 of 2024

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

Jeni

W.P.No.35127 of 2024

21.11.2024