



W.P.No.37151 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2024

CORAM:

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

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Mrs.Durgadevi

... Petitioner

Vs.

1.State rep. by
The Chief Superintendent of Jails,
Puducherry.

2.State rep. by
The Inspector of Police,
Mudaliarpot Police Station,
Pondicherry.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to grant emergency parole leave for 30 days without escort to the petitioner's husband Mr.Madhan, S/o. Mr.Ramalingam, bearing Convict/Prisoner No.3138, confined at Central Jail, Kalapet, Puducherry.



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For Petitioner : Mr.T.Mathi

For Respondents : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

ORDER

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

A Writ of Mandamus has been instituted to direct the respondents to grant emergency parole of 30 days to the petitioner's husband namely Mr.Madhan, S/o. Ramalingam, Convict Prisoner No.3138, confined at Central Jail, Kalapet, Puducherry.

2. A request letter was given by the petitioner seeking emergency parole for her husband/convict prisoner and the same was not considered in view of the fact that the convict prisoner was ineligible.

3. Learned counsel for the petitioner would submit that the family arranged an ear piercing function at Arulmigu Shree PuthumariammanAlayam, Muthiyalpet, Puducherry, for the younger daughter of the convict prisoner. The petitioner has also submitted a copy



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of the receipt issued by the temple in this regard.

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4. Learned Public Prosecutor appearing for the respondents would oppose by stating that the convict prisoner is not eligible to avail emergency leave in view of the fact that he has already exhausted the leave eligibility and therefore, as per the Rules, the request letter given by the petitioner was not considered.

5. Considering the fact that the family of the convict prisoner has arranged a function, more specifically for the younger daughter of the convict prisoner, we are inclined to grant **6 days** emergency leave to the convict prisoner commencing from 10.12.2024 till 15.12.2024.

6. Accordingly, the convict prisoner viz., Madhan, S/o.Ramalingam, bearing Convict No.3138, undergoing imprisonment now at Central Jail, Kalapet, Puducherry, is hereby granted emergency leave for a period of **6 days**, with escort commencing from **10.12.2024** on the following conditions:-

(i) Respondents are directed to release the Convict



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Prisoner viz., Madhan, S/o.Ramalingam, bearing Convict No.3138, undergoing imprisonment now at Central Jail, Kalapet, Puducherry, on emergency Leave for a period of **6 days i.e., from 10.12.2024 till 15.12.2024.**

(ii) The Convict Prisoner shall be released on **10.12.2024** at 11.00 A.M. and surrender before the Chief Superintendent of Jails, Puducherry on **15.12.2024** 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.

(S.M.S, J.)

(M.J.R, J.)

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Index: Yes

Speaking order/Non-speaking order

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1.The Chief Superintendent of Jails,
Puducherry.

2.The Inspector of Police,
Mudaliarpot Police Station,
Pondicherry.

3.The Public Prosecutor,
Puducherry.



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