



WEB COPY



W.P.No.36416 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM :

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

W.P.No.36416 of 2024

K.Leema Rose

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Vellore Range,
Ramset Nagar,
Vellore – 632 002.

2.The Superintendent of Prison,
Central Prison,
Cuddalore,
Cuddalore District.

3.The Inspector of Police,
Auroville Police Station,
Villupuram District.
Crime No.310 of 2003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to extend the emergency leave for a period of further 7 days to the petitioner's husband Thambu @ Karthick (Male, 44 years) (Prisoner No.14616), now lodged at Central Prison, Cuddalore to attend his mother Tmt.Cecilia (aged 67



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years), who is critically suffering from final stage of cancer, arranging financial assistance for further treatment of his mother.

For Petitioner : Mr.Rajavelayutham for Mr.V.Elangovan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The Writ of Mandamus has been instituted directing the respondents 1 and 2 to extend the emergency leave for a period of further 7 days to the petitioner's husband Thambu @ Karthick (Male, 44 years) (Prisoner No.14616), now lodged at Central Prison, Cuddalore.

2. The mother of the prisoner is seriously ill. The prisoner had already availed emergency leave. However, his presence to provide effective medical facilities to his mother is required. Therefore, he has submitted a petition seeking extension of emergency leave. Since time expired, the prisoner surrendered himself before the jail authority.

3. Learned counsel for the petitioner would submit that the prisoner surrendered before the jail authorities, without any violation. However, his mother continues to be in illness. Therefore, emergency leave may be granted to



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the petitioner.

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4. Learned Additional Public Prosecutor would submit that there is no adverse remarks noted against the prisoner and the reasons stated in the application is also found to be genuine.

5. In view of the said position, convict prisoner is granted 6 days emergency leave to attend his sick mother from **05.12.2024 till 10.12.2024.**

6. Accordingly, the convict prisoner viz., Thambu @ Karthick (Male, 44 years) (Prisoner No.14616), now lodged at Central Prison, Cuddalore, is hereby granted emergency leave for a period of **6 days**, without escort commencing from **05.12.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Thambu @ Karthick (Male, 44 years) (Prisoner No.14616), now lodged at Central Prison, Cuddalore on emergency Leave for a period of **6 days i.e., from 05.12.2024 till 10.12.2024.**

(ii) The Convict Prisoner shall be released on **05.12.2024** at 10.00 am and surrender before the Superintendent, Central Prison, Cuddalore, on **10.12.2024** at 05.30 p.m.



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(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.

7. Accordingly, the writ petition stands allowed. No Costs. Consequently, the connected Miscellaneous Petition, if any, is closed.

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Speaking/Non-speaking order

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To

1. The Deputy Inspector General of Prisons,
Vellore Range,
Ramset Nagar,
Vellore – 632 002.

2. The Superintendent of Prison,
Central Prison,
Cuddalore,
Cuddalore District.

3. The Inspector of Police,
Auroville Police Station,
Villupuram District.

4. The Public Prosecutor,
High Court of Madras.



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M.JOTHIRAMAN, J.

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