



WEB COPY



W.P.No.37463 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM :

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

**W.P.No.37463 of 2024**

V. Susila

... Petitioner

***Vs.***

The Superintendent of Prisons,  
Central Prison,  
Cuddalore - 607 004

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records No.18021/Tha.ku2/2024 dated 25.11.2024 passed by respondent, and quash the same and consequently, direct the respondent to grant 10 days emergency leave to the petitioner's husband Mr.Venkatesan S/o. Govinda Padayachi, aged 60 years, convict prisoner no.17001, PID 367698, now confined in the Central Prison, Cuddalore.



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For Petitioner : Mr. P. Pugalenthir  
For Respondents : Mr.R.Muniyapparaj,  
Additional Public Prosecutor

### **ORDER**

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

The order of rejection rejecting the emergency leave application submitted by the petitioner is under challenge in the present writ proceedings.

2. The prisoner is in actual imprisonment for more than 3 years. Thus, he is eligible to avail ordinary leave and emergency leave.

3. The learned Additional Public Prosecutor would submit that the prisoner has availed emergency leave recently in October 2024.

4. However, the learned counsel for the petitioner would submit that the emergency leave application was submitted in order to make suitable financial arrangement for the medical treatment of his wife.



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5. The Probation Officer in his report, recommended the case of the prisoner for grant of emergency leave. The reason stated in the order impugned is that SLP is pending.

6. Mere pendency of an Appeal *per se* cannot be a ground to reject the leave application. Since the Probation Officer recommended the case of the prisoner for grant of leave, we are inclined to consider the present writ petition.

7. Accordingly, the impugned order dated 25.11.2024 passed by the respondent in No.18021/Tha.ku2/2024 is quashed and convict prisoner viz., Mr.Venkatesan S/o. Govinda Padayachi, aged 60 years, convict prisoner no.17001, PID 367698, confined at Central Prison, Cuddalore, is hereby granted Emergency Leave for a period of **six days**, without escort commencing from **16.12.2024** on the following conditions:-

(i) Respondent is directed to release the Convict Prisoner viz., Mr.Venkatesan S/o. Govinda Padayachi, aged 60 years, convict prisoner no.17001, PID 367698, confined at Central Prison, Cuddalore, on Emergency Leave without escort for a period of **6 days commencing from 16.12.2024.**



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(ii) The Convict Prisoner shall be released on **16.12.2024** at 10.00 am and surrender before the Central Prison, Cuddalore, on **21.12.2024** 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.

8. Accordingly, the writ petition stands allowed. No Costs.

[S.M.S., J.]

[M.J.R., J.]

**11.12.2024**

Index: Yes/No

Speaking/Non-speaking order

*mrp*

*To*

1. The Superintendent of Prisons,  
Central Prison,  
Cuddalore - 607 004

2. The Public Prosecutor,  
High Court of Madras.



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

*mrp*

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**11.12.2024**