



WEB COPY

W.P.No.37826 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.37826 of 2024

Sri Devi

... Petitioner

Vs.

The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai – 600 066.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to grant 6 days emergency leave by without escort for the petitioner's husband namely Suresh, S/o. Sundaresan aged 51 years, Convict Prisoner, Convict No.2181, Central Prison, Puzhal.

For Petitioner : Mrs.S.Nadhiya

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



W.P.No.37826 of 2024

ORDER

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

The writ petition has been instituted to direct the respondent to grant 6 days emergency leave without escort for the petitioner's husband namely Suresh, S/o. Sundaresan aged 51 years, Convict No.2181, confined in Central Prison, Puzhal, Chennai

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

3. The Convict Prisoner is in actual imprisonment for about one year and one month. The total conviction period is seven years. The reason stated in the leave application is that the father of the Convict Prisoner is undergoing treatment for Heart and Lung disease and he is taking treatment at a Private Hospital, Anna Nagar, Chennai.

4. The Probation Officer during verification, found that the reason stated in the leave application is correct and if the Convict Prisoner is granted leave, it will be helpful to his father to mobilize funds for further treatments. Thus, the



W.P.No.37826 of 2024

Probation Officer recommended the case of the Convict Prisoner for grant of
Emergency Leave.

5. Considering the fact that the presence of the convict prisoner for providing treatment to his father is required, we are inclined to grant Emergency Leave. Therefore, the Convict Prisoner is permitted to avail 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., Suresh, S/o.Sundaresan, aged about 51 years bearing CT No.2181, confined at Central Prison, Puzhal, Chennai, on Emergency Leave for a period of six (6) days without escort i.e., from 16.12.2024 to 21.12.2024.
- (2) The Convict Prisoner shall be released on 16.12.2024 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison, Puzhal, Chennai, on 21.12.2024 at 05.00 P.M.
- (3) The Convict Prisoner is directed to report before the R-10, MGR Nagar Police Station, Chennai on 17.12.2024 and 19.12.2024 at 11.00 A.M, during the period of leave.
- (4) During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.



W.P.No.37826 of 2024

WEB COPY

(5) 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.

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

[S.M.S., J.]

[M.J.R., J.]

11.12.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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To

1. The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai – 600 066.

2. The Additional Public Prosecutor,
Madras High Court.



WEB COPY



W.P.No.37826 of 2024

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