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W.P.No.38241 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.38241 of 2024

Sanmugavel

... Petitioner

Vs.

1.The Deputy Inspector General of Prison,
Chennai Range,
Prison Head Quarters,
Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai 600 066.

... 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.566535/Tha Ku2/2024 dated 09.12.2024 passed by respondent No.2, and quash the same and consequently direct the respondents to grant 15 days Emergency Leave to the petitioner's son Mr.Balamurugan, S/o.Shanmugavel, Convict prisoner, CT.No.8982 (PID 33959), now confined in the Central Prison-1, Puzhal, Chennai-66.



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

ORDER

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

The rejection of leave application passed in proceedings dated 09.12.2024 is under challenge in the present writ petition.

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

3. The prisoner has served seven and a half years of actual imprisonment out of a ten-year sentence, rendering him eligible to avail emergency leave.

4. The learned counsel for the petitioner would submit that the 16th-day death ceremony of the prisoner's mother is scheduled for December 16, 2024. Despite this, the prisoner's application for emergency leave was rejected on the grounds that he is ineligible for 15 days of emergency leave.



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5. In these circumstances, the authorities ought to have considered granting the prisoner 6 days of emergency leave, which could be extended as per the rules in force. However, the outright rejection of the leave application appears unnecessary.

6. 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., Mr.Balamurugan, S/o.Shanmugavel, CT.No.8982 (PID 33959), confined at Central Prison-1, Puzhal, Chennai, on Emergency Leave for a period of six (6) days without escort i.e., from 14.12.2024 to 19.12.2024.
- (2) The Convict Prisoner shall be released on 14.12.2024 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison, Puzhal, Chennai, on 19.12.2024 at 05.00 P.M.
- (3) The Convict Prisoner is directed to report before the Inspector of Police, Keerathurai Police Station, Madurai, on 18.12.2024 at 05.00 P.M, during the period of leave.
- (4) During the leave period, the Convict Prisoner shall abide by all the



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conditions prescribed in the Jail Manual.

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(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.

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

[S.M.S., J.] [M.J.R., J.]
12.12.2024
(2/2)

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

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***Note:** Registry is directed to issue order copy on 12.12.2024.*



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To

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- 2.The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai 600 066.
- 3.The Additional Public Prosecutor,
Madras High Court.



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

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