



W.P(MD)No.12620 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.P(MD)No.12620 of 2024
and
W.M.P(MD)No.11234 of 2024**

Umagandhi

... Petitioner

-VS-

The Superintendent of Prisons,
Central Prison,
Trichy District-620 020.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the Impugned Order passed by the respondent vide her proceedings in No.6899/ThaKu.4/2024, dated 10.05.2024 and quash the same as illegal and void, consequently direction may be issued to the respondent to grant 6 days emergency leave without escort to petitioner's husband A.K.Subbu @ Subramanian, S/o.Krishnasamy (Convict Prisoner No.23386), lodged at Central Prison, Trichy forthwith.



W.P(MD)No.12620 of 2024

WEB COPY

For Petitioner : Mr.C.Karthikeyan
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The present Writ Petition is filed challenging the impugned order passed by the respondent, dated 10.05.2024 and quash the same as illegal and consequently to direct the respondent to grant 6 days emergency leave without escort to petitioner's husband A.K.Subbu @ Subramanian, S/o.Krishnasamy (Convict Prisoner No.23386), lodged at Central Prison, Trichy forthwith.

2.The case of the petitioner is that her husband A.K.Subbu @ Subramanian is aged about 63 years and suffering chronic Diabetic, Cardiac patient with varicose vein. Since his health condition becomes critical, the authorities admitted him in the Government K.A.P.V.Medical College Hospital, Trichy on 25.11.2023. Subsequently, he was discharged from hospital only on 08.12.2023. The doctor diagnosed him that his GSV under left knee got punctured and similarly so as the GSV of upper right leg. The petitioner made a



W.P(MD)No.12620 of 2024

WEB COPY

representation to the prison authorities to grant 30 days ordinary leave to her husband. The Deputy Inspector General of Prisons, Tiruchirappalli vide her proceedings in No.106/Mu.Vu/2024 passed rejection order. Hence, she preferred a writ petition before this Court in W.P(MD)No.9268 of 2024 and the same was dismissed on 16.04.2024. The petitioner has preferred a fresh representation on 24.04.2024 to the respondent seeking 10 days emergency leave without police escort. The respondent passed an impugned order, dated 10.05.2024 rejecting the representation of the petitioner on the ground that there is no provision for the Superintendent of Prisons to grant emergency leave to the prisoner since her husband has two pending cases. Challenging the said rejection order, the petitioner has filed the present writ petition seeking 6 days emergency leave for her husband.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that the representation of the petitioner has been rejected on the ground that another case is pending for trial. He further submitted that the reasons mentioned by the prisoner seeking emergency leave is that his wife is sick and the same has been verified through the Probationary Officer and



W.P(MD)No.12620 of 2024

WEB COPY it has found that the reason is true. He further submitted that the prisoner has completed 1 year 2 months and 5 days and he is eligible for only 6 days emergency leave.

4. Taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the respondent to grant ordinary leave for 6 days to the jail inmates without escort.

5. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 10.05.2024 passed by the respondent, is set aside.

(iii) The convict prisoner namely A.K.Subbu @ Subramanian, S/o.Krishnasamy (Convict Prisoner No. 23386), lodged at Central Prison, Trichy shall be granted ordinary leave for a period of six (6) days.

(iv) He shall sign before the



WEB COPY

W.P(MD)No.12620 of 2024

Inspector of Police, E.Pudur Police Station,
Trichy District, daily at evening 06.30 p.m.,
during the leave period.

(v) He shall report back to the
Superintendent of Prison, Central Prison, Trichy on
completion of leave period.

(vi) The petitioner shall produce all
necessary documents, along with a copy of this order,
before the jail authorities.

(vii) During the leave period, the convict
prisoner shall abide by all the conditions prescribed in
the jail manual.

(viii) No costs. Consequently, connected
miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No

[A.D.J.C., J.] [K.R.S., J.]
19.06.2024



W.P(MD)No.12620 of 2024

WEB COPY

Internet : Yes / No
am

To:

The Superintendent of Prisons,
Central Prison,
Trichy District-620 020.

Copy To

The Inspector of Police,
E.Pudur Police Station,
Trichy District.



WEB COPY



W.P(MD)No.12620 of 2024

A.D.JAGADISH CHANDIRA, J.
AND
K.RAJASEKAR, J.

am

W.P(MD)No.12620 of 2024

19.06.2024