



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Twenty Seventh day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

AND

The Hon`ble Mr.Justice K.RAJASEKAR

WMP(MD)No.12248 of 2024

in

WP(MD)No.12620 of 2024

Umagandhi

... Petitioner/Petitioner

Vs

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

... Respondent/Respondent

Prayer in WMP(MD)No.12248 of 2024 :- Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, to extend the emergency leave granted by this Hon'ble Court in WP(MD)No.12620 of 2024 dated 19.06.2024 and grant emergency leave for further period of 6 days without police escort to petitioner's husband A.K.Subbu @ Subramanian, S/o.Krishnasamy (Convict Prisoner No.23386) lodged at Central Prison, Trichy forthwith, by considering her representation dated 25.06.2024.

Prayer in WP(MD)No.12620 of 2024 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling 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 petitioners husband A.K.Subbu @ Subramanian, S/o.Krishnasamy (Convict Prisoner No.23386) lodged at Central Prison, Trichy forthwith.



ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.Karthikeyan, Advocate for the Petitioner and of Mr.A.Thiruvadi Kumar, Additional Public Prosecutor for the Respondent, this Court made the following order:-

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

This Petition is filed to extend the emergency leave granted by this Court in W.P.(MD)No.12620 of 2024, dated 19.06.2024.

2. The learned counsel appearing for the petitioner would submit that this Court by order, dated 19.06.2024 had granted emergency leave for a period of 6 days. Since the detenu was suffering from diabetic foot ulcer and he was advised to take treatment at M.V.Centre for Diabetic Foot Care, Podiatry, Research and Management at Chennai and he had been informed that if proper treatment is not given it would result in amputation of foot and the doctors have asked him to come for review, thereby, the petitioner has filed the present petition for extension of emergency leave for a period of 6 days.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the emergency leave can be granted only for 15 days for a year, that too, not at a stretch and it can be for 4 spells of 3 days + 3 days + 3 days + another 6 days. The petitioner had been already granted 6 days emergency leave and thereby would object for grant of 6 days emergency leave.



4. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record including the medical certificates.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is suffering from diabetic ulcer and that if it is not treated properly, it would result in amputation of foot, this Court is inclined to extend the emergency leave for a period of three days.

6. Accordingly, this petition is ordered and the emergency leave already granted by this Court, dated 19.06.2024 for a period of 6 days is extended for a further period of three days till 01.07.2024. The detenu shall report back to the Superintendent of Prison, Central Prison, Trichy on 01.07.2024 at 06.30 p.m.,

7. The condition already imposed by this Court that the detenu shall sign before the Inspector of Police, E.Pudur Police Station Trichy District, daily at evening 06.30 p.m., during the leave period, is relaxed.

Sd/-

Assistant Registrar(P&A)

// True Copy //

/06/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

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

<https://www.mca.gov.in>



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

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

ORDER DATED : 27/06/2024

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ORDER

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WMP(MD)No.12248 of 2024

in

WP(MD)No.12620 of 2024

Giving direction and etc.
as stated within.

MGJ(28.06.2024) 4P 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023