



W.P(MD) No.17979 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 14.08.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P(MD) No.17979 of 2024
and
W.M.P(MD)No.15408 of 2024**

Umagandhi

... Petitioner

Vs

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

... Respondent

PRAYER: 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.11564/ThaKu.4/2024 dated 19.07.2024 and quash the same as illegal and void, consequently



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direction may be issued to the respondent to grant 15 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, who temporarily admitted at Government Headquarters Hospital, Tiruchirappalli forthwith.

For Petitioner : Mr.C.Karthikeyan

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

ORDER

The writ petition came up for consideration on 07.08.2024, wherein, we had reduced the facts as follows :

“The petitioner has been filed the writ petition seeking a direction to grant Emergency Leave for a period of fifteen days without escort to her husband, A.K.Subbu @ Subramanian, who is now lodged at Central Prison, Tiruchirappalli, consequent to be convicted for offences under Section 120 (b), 471, 420 read with 511 IPC and also under Section 182 IPC, by the Chief Judicial Magistrate, Trichy in C.C.No.1 of 2016, by judgment dated 30.01.2020. He had been convicted to undergo Rigorous Imprisonment for a period of five years. Another FIR had been registered



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against the petitioner in C.C.No.9 of 2007 by judgment dated 31.12.2013, the petitioner had also been convicted for various offences for a period of two years of Rigorous Imprisonment.

2. It is contended by the petitioner that her husband is suffering from diabetes and is also suffering from varicose veins necessitating constant treatment to be given. In fact, his movements are also restricted.

3. Considering his condition, earlier by order dated 19.06.2024, six days leave was granted and it was also extended for a further period of three days. The leave was from 22.06.2024 till 01.07.2024.”

2. Taking into consideration of the medical condition of the husband of the petitioner, we have called for a report from the Dean, Government Medical College Hospital at Trichy and also whether the said hospital will have necessary facilities to treat the husband of the petitioner.

3. A report, dated 09.08.2024 issued by the Assistant Professor of Department of General Surgery at Trichy Government Hospital has been placed before us, wherein, it has been affirmed that the



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husband of the petitioner suffers from varicose veins and they had obtained opinion of the Vascular Surgeon and Plastic Surgeon. There is perspiration which is revealed. It is evident that the husband of the petitioner requires further treatment.

4. Taking into consideration the medical condition of the husband of the petitioner, we would grant 15 days ordinary leave without escort to the husband of the petitioner, A.K.Subbu @ K.Subramanian, who is now confined at Central Prison, Trichy, with permission to take treatment either at Trichy or at any other hospital, but to inform the jurisdictional Police i.e., Edamalaipattipudur Police Station at Trichy District, about the movements of the husband of the petitioner.

5. Accordingly, this writ petition is allowed and the convict prisoner is granted emergency leave for 15 days without escort on the following conditions:-

(a)The detenu, A.K.Subbu @ K.Subramanian, S/o.Krishnasamy, [Convict No.23386], now detained in the Central Prison, Trichy, is granted ordinary leave for



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fifteen (15) days from 19.08.2024 to 02.09.2024.

(b)The detenu shall be released from the prison at 10.00 a.m., on 19.08.2024 and he shall return back to the prison at 7.00 p.m., on 02.09.2024.

Consequently, connected miscellaneous petition is closed.

(C.V.K., J.) (J.S.N.P, J.)
14.08.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM

Note : Registry is directed to mark a copy of this order to
The Inspector of Police,
Edamalaipattipudur Police Station
Trichy.



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To
WEB COPY

- 1.The Superintendent of Prisons,
Central Prison,
Trichy District 620 020.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

- 3.The Inspector of Police,
Edamalaipatti Pudur Police Station,
Trichy.



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C.V.KARTHIKEYAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

RM

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