



W.P(MD) No.21814 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 21.10.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MS.JUSTICE R.POORNIMA**

W.P(MD) No.21814 of 2024

Yoganayagi

... Petitioner

Vs

1. The Home Secretary,
Home (Prison – VI) Department,
Secretariat, Fort St. George,
Chennai – 9.
2. The Director General of Prison,
Prisons and Correctional Services,
No.1, Gandhi Irwin Salai,
Egmore, Chennai – 600 008.
- 3.The Deputy Inspector General of Prisons,
Trichy Range, Trichy.
- 4.The Superintendent of Prison,
Trichy Central Prison, Trichy.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to grant 30 days of emergency leave to my younger brother by name, Jeyakanthan, son of Samikannu, aged 28 years, now confining at Trichy Central Prison as life convict No.24153, by considering the petitioner's representation dated 09.09.2024 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.K.Sudharani

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

ORDER

This writ petition has been filed in the nature of a Mandamus seeking a direction to the respondents to grant emergency leave for 30 days to the younger brother of the petitioner, namely, Jeyakanthan, now confined at Central Prison as Life Convict No.24153. A representation had been given on 09.09.2024.



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2. On an earlier occasion, in W.P.(MD)No.9243 of 2023, by order dated 16.04.2024, the emergency leave had been granted for a period of 3 days from 21.04.2024 till 23.04.2024, however, without escort. It had been stated that the respondents themselves had granted emergency leave. It had been informed that the younger brother of the petitioner had suffered injuries and we had sought a report from the Assistant Surgeon, Central Prison Dispensary, Central Prison at Trichy. The report dated 20.10.2024, as follows:

“With reference cited to the Hon'ble High Court of Madras, Madurai Bench Order W.P.(MD)No.21814/2024. I hereby submit the following events. Regarding Convict Prisoner No.24153 Jeyakandan (Aged 27/Male), S/o.Samikannu (PID No.39868). He was suffering from pain and and right knee instability due to injury 2 years back. He was treated conservatively in Prison Hospital. Due to persistence of his pain he was referred to Mahatma Gandhi Memorial Government Hospital, Trichy Ortho OPD on 13.07.2024 and as ACL Right knee tear & for Arthrsopic repair on 24.08.2024 was admitted in Mahatma Gandhi Memorial Government Hospital, Trichy for surgical management & arthroscopic repair done. He was discharged from Mahatma Gandhi Memorial Government Hospital, Trichy to Central Prison, Trichy on



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07.10.2024 in walking condition and asked to review after 2 weeks. He is currently stable and continues to walk without support.”

It is thus seen that the younger brother of the petitioner had recovered and in a walking condition. But, however, in order to assist the petitioner herein, we would grant 6 days emergency leave to the younger brother of the petitioner. Taking into considering that he still suffers the medical ailment to the leg, it would commence from 04.11.2024 till 09.11.2024 to be granted with escort. The charges of the escort are to be deducted from the prison earnings.

4. The Writ Petition stands disposed of . No costs.

(C.V.K., J.) (R.P, J.)
21.10.2024

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