



W.P(MD)No.30493 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P(MD)No.30493 of 2023

B.Santhiya

... Petitioner

Vs.

1.The Secretary to Government,
Home Department(Prison),
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai – 9.

2.The Additional Director General of Police(Prisons)/
The Inspector General of Police,
Office of ADGP (Prisons)/I.G of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore,
Chennai – 8.

3.The Deputy Inspector General of Prisons,
Prisons and Correctional Services Department,
Trichy Range,
Trichy – 23.

4.The Superintendent of Prison,
Central Prison,
Trichy.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus to call for the records in respect of impugned order passed by the third respondent in No.106/Mu.Oo/2023 dated 04.12.2023 and quash the same and consequently direct the respondents to grant 30 days emergency leave without escort to the petitioner's husband namely Balraj, S/o.Ponnaiyan a convict prisoner(Convict Prisoner No.24673) now confined under Central Prison, Trichy for the purpose of attending serious illness of his wife for a period of one month ie., from 21.12.2023 to 21.01.2024.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.S.Ravi,
Addl. Public Prosecutor

ORDER

J.NISHA BANU, J.

AND

K.K.RAMAKRISHNAN, J.

This writ petition has been filed challenging the impugned order passed by the third respondent in No.106/Mu.Oo/2023 dated 04.12.2023 to quash the same and consequently direct the respondents to grant 30 days emergency leave without escort to the petitioner's husband namely Balraj, S/o.Ponnaiyan a convict prisoner(Convict Prisoner No.24673) now confined under Central Prison, Trichy, for the purpose of attending serious illness of his wife for a period of one month ie., from 21.12.2023 to 21.01.2024.



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2. The learned counsel for the petitioner submits that the petitioner's husband along with one another faced charges under Section 11(iv) r/w 12, 5(1) r/w 6, 5(j)(ii) r/w 6 of POCSO Act and Section 506(i) I.P.C., and after trial he was convicted by the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, vide judgment, dated 14.02.2023 and he is now confined at Central Prison, Trichy. The petitioner gave birth to a baby girl on 17.10.2023 and moreover, she is suffering from jaundice and anemia and therefore, her health condition has become worst and nobody is there to take care of her and therefore, she applied for emergency leave for her husband for a period of one month through representation, dated 20.11.2023. However, the third respondent rejected the request of the petitioner vide the impugned order dated 04.12.2023. Hence, challenging the same, the petitioner has filed this writ petition.

3. The learned Additional Public Prosecutor submitted that the petitioner applied for one month emergency leave the said request was rejected by the third respondent. However, considering the health condition of the petitioner emergency leave for a period of six days



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with escorts may be granted.

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4. In view of the said submission, we deem it fit to grant emergency leave to the detenu from 06.01.2024 to 11.01.2024.

5. This Writ Petition is disposed of with a direction to the fourth respondent to grant emergency leave to the petitioner's husband namely Balraj, S/o.Ponnaiyan a convict prisoner(Convict Prisoner No.24673) now confined under Central Prison, Trichy with escorts. The detenus shall be released from the jail on 06.01.2024 at 07.00 a.m. and he shall be brought back to the jail on 11.01.2024 at 5.30 p.m. Cost for providing escorts shall be borne by the petitioner.

[J.N.B.,J.] & [K.K.R.K.,J.]

05.01.2024

Index :Yes/No

NCC :Yes/No

pm

Note:Issue Order Copy on 05.01.2024



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To

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- 4.The Superintendent of Prison,
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Trichy.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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J.NISHA BANU, J.
AND
K.K.RAMAKRISHNAN, J.

pm

ORDER MADE IN
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05.01.2024