



WEB COPY



W.P.No.1968 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.1968 of 2025
and W.M.P.No.2300 of 2025

Ashwini

...Petitioner/ wife of the detenue

Vs.

The State represented by its,
1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St. George,
Chennai-600 009.

2.The Inspector General of prisons,
Prison Head Quarters,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison I,
Puzhal, Chennai-600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the third respondent dated 07.01.2025 and quash the same and direct the third respondent to grant 40 days ordinary leave, without escort to the petitioner's husband, Kathir,



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S/o.Palani, (Convict No.9397 and PID No.458469), confined at Central Prison, Puzhal-I, Chennai.

For Petitioner : Mr.P.M.Basil
For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

This writ petition has been filed to call for the records relating to the proceedings of the third respondent dated 07.01.2025 and quash the same and direct the third respondent to grant 40 days ordinary leave, without escort to the petitioner's husband, Kathir, S/o.Palani, (Convict No.9397 and PID No.458469), confined at Central Prison, Puzhal-I, Chennai.

2. Heard the learned counsel on either side and perused the documents.



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3. The petitioner herein seeks for grant of 40 days of ordinary leave for her husband, without escort, on the ground that the petitioner has to undergo uterus surgery and she requires the presence of her husband for arranging funds for the surgery and to take care of her.

4. The learned Additional Public Prosecutor produced a copy of the Probation Officer's report dated 12.12.2024, in which, the Probation Officer has not recommended for grant of leave since the reasons assigned by the petitioner is said to be false.

5. Although the Probation Officer has not recommend for grant of leave, considering the medical requirement of the petitioner, we are inclined to grant leave for a period of 10 days in exercise of our powers under Article 226 of the Constitution of India.

6. Accordingly, the detenue viz., Kathir, S/o.Palani, (Convict No.9397 and PID No.458469), confined at Central Prison, Puzhal-I, Chennai, is hereby granted leave for a period of 10 days, without escort, commencing from 10.00 am on 21.02.2025 to 5 pm of 02.03.2025. On



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expiry of the ordinary leave, the detenu shall surrender before the prison authorities. During the period of leave, the prisoner shall report before the Inspector of Police, Ambathur Police Station, Chennai, daily at 05.00 p.m. The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities

7. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [N.S., J]

07.02.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

Anu

Note: Issue Order Copy on 20.02.2024
Upload the order copy forthwith



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To
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1.The Home Secretary,
Home Department (Prison),
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2.The Inspector General of prisons,
Prison Head Quarters,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison I,
Puzhal, Chennai-600 066.

4.The Inspector of Police,
Ambathur Police Station, Chennai

5.The Public Prosecutor,
High Court, Madras.



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and
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