



W.P.No.3826 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM :

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

W.P.No.3826 of 2025

Sakthivel

...Petitioner/ brother of the detenue

Vs.

The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai-600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondent to grant 3 days emergency leave, without escort instead of with escort for the petitioner's brother namely Ramajayam, S/o.Ezhumalai, aged about 40 years, Convict Prisoner, Convict No.8390, Central Prison, Puzhal.

For Petitioner : Ms.S.Nadhiya

For Respondents : Mr.S.Raja Kumar
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John



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ORDER

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(Order of this Court was made by M.S.RAMESH.J.)

This writ petition has been filed to direct the respondent to grant 3 days emergency leave, without escort instead of with escort for the petitioner's brother namely Ramajayam, S/o.Ezhumalai, aged about 40 years, Convict Prisoner, Convict No.8390, Central Prison, Puzhal.

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

3. On the ground that the petitioner has certain medical ailments and requires the presence of the convict prisoner to make arrangements for the same, the learned counsel for the petitioner seeks emergency leave. It is further submitted that the Probation Officer has recommended for grant of emergency leave with strong police escort. Since the petitioner is in a rental house, the house owner would create problem to vacate the house if the petitioner's brother is granted leave, with escort. Therefore, the learned counsel seeks 3 days of emergency leave, without escort.



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4.The learned Additional Public Prosecutor produced a copy of the Probation Officer's report dated 21.10.2024, in which, the Probation Officer has opined that in case the convict prisoner is granted leave, without escort, there is no threat to his life.

5. By taking into account the views of the Probation Officer, we are inclined to grant emergency leave for a period of 3 days, without escort, in exercise of our powers under Article 226 of the Constitution of India.

6. Accordingly, the detenu viz., Ramajayam, S/o.Ezhumalai, aged about 40 years, Convict Prisoner, Convict No.8390, is hereby granted emergency leave for a period of 3 days, without escort, commencing from 10.00 am on 04.03.2025 to 5 pm of 06.03.2025. On expiry of the leave, the detenu shall surrender before the prison authorities. During the period of leave, the prisoner shall report before the Inspector of Police, J6 Thiruvanmiyur Police Station, 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.



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

7. Accordingly, the Writ Petition stands allowed. No costs.

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

25.02.2025

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

Anu

Note: Issue Order Copy on 03.03.2025

Upload the order copy forthwith

To

1.The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai-600 066.

2.The Inspector of Police,
J6 Thiruvanmiyur Police Station.

3.The Public Prosecutor,
High Court, Madras.

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