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W.P.No.7053 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.7053 of 2025
and W.M.P.No.7776 of 2025

R.Suganthi

... Petitioner

Vs.

1.The Additional Director General of Police/IG of Prisons,
CMDA, Towers II, No.1,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

2.The Superintendent of Police,
Cuddalore District,
Cuddalore.

3.The Superintendent,
Central Prison,
Cuddalore.

4.The Inspector of Police,
Portonova Police Station, (Parangipettai)
Cuddalore District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order bearing No.658485/Tha.Ku 2/2025 dated 22.01.2025 passed by the 3rd respondent and quash the same and consequently direct the respondents to grant emergency parole for 30 days to the petitioner's husband namely Ramesh (PID No.84358), S/o.Kaliyaperumal, aged about 50 years, who now confined in Central Prison, Cuddalore, as a life convict, based on petitioner's representation dated 09.01.2025 to arrange the financial specialities for his daughter higher studies and for the petitioner's medical expenses.

For Petitioner : Mr.R.Thamarai Selvan
For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

This Writ Petition has been filed challenging the impugned order dated 22.01.2025, rejecting the representation of the petitioner dated 09.01.2025.



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2. The only reason assigned in the impugned order for rejecting the petitioner's representation for seeking leave for her husband/life convict is that since the appeal of the life convict is pending before this Court, he is not eligible for grant of leave.

3. The learned counsel for the petitioner submitted that the petitioner requires the presence of her husband/life convict to arrange funds for her daughter's higher studies, as well as for her own medical expenses and hence, she has sought for leave for her husband /life convict. The learned counsel further submitted that the life convict has undergone more than 6 years of imprisonment and has availed only 2 emergency leave so far.

4. The learned Additional Public Prosecutor has produced the particulars of the life convict dated 27.02.2025, as well as the report of the Probation Officer dated 20.03.2025. The Probation Officer in his report has stated that the reason assigned by the petitioner in her representation is not true and hence, he has not recommended to grant leave to the petitioner's husband/life convict.

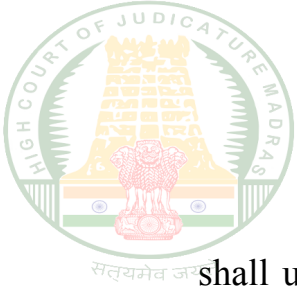


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5. Though the Probation Officer, in his report, has not recommended to grant leave to the life convict, by taking into consideration the period of incarceration undergone by the life convict, as well as the fact that he has not availed any leave so far, we are inclined to grant 7 days of emergency leave to the petitioner's husband/life convict, by invoking our powers under Article 226 of the Constitution of India.

6. Accordingly, the impugned order dated 22.01.2025 passed in No.658485/Tha.Ku 2/2025 by the third respondent, is hereby quashed. Consequently there shall be a direction to the respondents herein, to grant 7 days emergency leave **“without escort”** to the petitioner's husband/life convict namely Ramesh (PID No.84358), S/o.Kaliyaperumal, aged about 50 years, now confined in Central Prison, Cuddalore, commencing from **28.03.2025 to 03.04.2025**, with a condition that the life convict shall report before the jurisdictional Police i.e. Portonova Police Station, (Parangipettai), Cuddalore District, **daily twice at 10.30 A.M & 5.30 P.M.** After expiry of the Emergency Leave, the life convict shall surrender before the Jail Authority on **03.04.2025** before **05.30 P.M.** The prisoner



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shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

7. With the above direction, the Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[N.S, J.]

21.03.2025

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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Note: Issue Order Copy on 27.03.2025.



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

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To

1.The Additional Director General of Police/IG of Prisons,
CMDA, Towers II, No.1,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

2.The Superintendent of Police,
Cuddalore District, Cuddalore.

3.The Superintendent,
Central Prison, Cuddalore.

4.The Inspector of Police,
Portonova Police Station, (Parangipettai)
Cuddalore District.

5.The Public Prosecutor,
High Court, Madras.

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