



W.P.No.8046 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

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

W.P.No.8046 of 2025
and W.M.P.No.9012 of 2025

MADHESH

...Petitioner/ the detenue

Vs.

The State Rep By Its
The Superintendent Of Prison,
Central Prison At Salem,
Hasthampatty, Salem-7

... Respondent

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 pertaining with an impugned proceedings No.235223/ta.ku-3/2025 dated 25.01.2025 passed by the respondent, quash the same and consequently direct the respondents to grant 06 days Emergency leave, without escort to the petitioner/Convict namely Madhesh, S/o.Subramani PID NO.424591(CT No.9821).

For Petitioner

: Mr.M.Mohamed Saifulla

For Respondents

: Mr.R.Muniyapparaj

Additional Public Prosecutor

assisted by Mr.M.Sylvester John



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ORDER

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

This writ petition has been filed to call for the records pertaining with an impugned proceedings No.235223/ta.ku-3/2025 dated 25.01.2025 passed by the respondent, quash the same and consequently direct the respondents to grant 06 days Emergency leave, without escort to the petitioner/Convict namely Madhesh, S/o.Subramani PID NO.424591(CT No.9821).

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

3. The petitioner herein seeks for grant of 6 days of emergency leave, without escort, on the ground that the petitioner's wife has certain medical ailments and she requires the presence of her husband to arrange funds for the treatment and to take care of her two younger children. Further, the detenue has undergone 4 years, 6 months and 26 days of imprisonment.



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4. The learned Additional Public Prosecutor produced a copy of the Probation Officer's report dated 27.03.2025, in which, the Probation Officer has recommended for grant of leave as the reasons assigned by the petitioner is said to be true. He would submit that the prisoner is eligible for 6 days of emergency leave.

5. Considering the fact that the Probation Officer has recommended for grant of leave, we are inclined to grant emergency leave for a period of 6 days in exercise of our powers under Article 226 of the Constitution of India.

6. Accordingly, the impugned proceedings No.235223/ta.ku-3/2025 dated 25.01.2025 passed by the respondent is quashed and the detenu viz., Madhesh, S/o.Subramani PID NO.424591(CT No.9821), is hereby granted emergency leave for a period of 6 days, without escort, commencing from 10.00 am on 05.04.2025 to 5 pm of 10.04.2025. On expiry of the ordinary leave, the detenu shall surrender before the prison authorities. During the period of leave, the prisoner shall report before



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the Inspector of Police, Avala Hall Police Station, Bangalore, 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]

28.03.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

Note: Issue Order Copy on 04.04.2025

Upload the order copy forthwith

To

1. The Superintendent Of Prison,

Central Prison At Salem,

Hasthampatty, Salem-7

2. The Inspector of Police,

Avala Hall Police Station, Bangalore.

3. The Public Prosecutor,

High Court, Madras.

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