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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.9859 of 2021

Sathiya

...Petitioner

versus

1. The State represented by its
The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George, Chennai - 600 009.
2. The Deputy Inspector General of Prisons,
Cuddalore Zone (Central Prison),
Cuddalore.
3. The Superintendent,
Central Prison, Cuddalore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to grant ordinary leave for 30 days without escort to the detenu, Harikaran, S/o.Sankar, aged about 32 years, Convict No.16191, detained at Central Prison, Cuddalore.

For Petitioner : M/s.S.Lakshmi

For Respondents : Mr.R.Muniyapparaj
Government Advocate [Crl. Side]

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

It is the case of the petitioner that her brother viz.



Harikaran, son of Sankar, is a Life Convict Prisoner (C.T.No.16191) and is undergoing sentence in Central Prison, Cuddalore. An application for ordinary leave was made on behalf of the convict prisoner under the Tamil Nadu Suspension of Sentence Rules, 1982 to the authorities. The leave application was considered by the Deputy Inspector General of Prison, Vellore and by order dated 17.05.2021, Harikaran was granted 30 days ordinary leave along with escort.

2. It is the grievance of the petitioner that she does not have the means to pay for the escort and that her house is very small to accommodate the escort party. Therefore, a representation dated 25.05.2021 has been given to the respondents for granting leave without escort.

3. Mr.R.Muniyapparaj, learned Government Advocate [Crl. Side], submitted that, Harikaran was convicted of the offence under Section 302 IPC and therefore, when such a person is granted leave, the practice is to send him under proper escort so that there is no retaliation.

4. We find sufficient force in the submissions of the learned Government Advocate (Crl. Side) in this regard. At the same time, a convict prisoner, who is indigent, may not be able to avail of the leave on the ground that he is not in a position



to make payment.

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5. Therefore, the respondents are directed to consider the petitioner's representation dated 25.05.2021 and modify the order dated 17.05.2021 to the effect that leave may be granted with minimum escort without charges.

6. With the above direction, this Writ Petition stands closed, with a further direction that the escort party may be directed to stay in the night elsewhere. No costs.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

sri

To

1. The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George, Chennai - 600 009.
2. The Deputy Inspector General of Prison,
Vellore.
3. The Deputy Inspector General of Prisons,
Cuddalore Zone (Central Prison),
Cuddalore.



4. The Superintendent,
Central Prison, Cuddalore.

5. The Public Prosecutor,
High Court, Madras.

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PMK (CO)
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