



WEB COPY



W.P.No.2178 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR
and
THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.2178 of 2023

Geetha,
W/o.Hakeed

... Petitioner/Sister of detenue

-VS-

The State represented by its,
1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.

2.The Superintendent,
Central Prison,
Coimbatore – 641 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of the India directing the respondents to grant ordinary leave for 40 days without escort to the detenue Poori Kamal S/o.Amar Singh (late), aged about 44 years, bearing convict No.2806 detained at Central Prison, Coimbatore.

For Petitioner .. Mr.S.Pandian

For Respondents .. Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

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[Order of the Court was made by M.NIRMAL KUMAR, J.]

The petitioner, sister of the detainee Poori Kamal (life convict No.13874), S/o.Amar Singh, had sent a representation to the respondents on 01.11.2022 seeking ordinary leave for forty days without Police escort for the purpose of repairing the damaged house and also to take care of his 75 years old mother who is now sick.

2.The learned Additional Public Prosecutor appearing for the respondents submitted that the petitioner's brother is a life convict prisoner in No.13874 and he has been undergoing the sentence of imprisonment for the past twenty years in S.C.No.344 of 2002, for offence under Sections 302 and 506(ii) of IPC. After getting reports from the Inspector of Police, Madukkarai Police Station, Coimbatore and the Probation Officer, Division-I, Coimbatore, the Deputy Inspector General of Police, Coimbatore granted leave for forty days with certain conditions vide proceedings in No.2084/தஉ.2/2022, dated 23.06.2022.



3.The learned counsel for the petitioner has been served with the copy of the proceedings of the Deputy Inspector General of Police, Coimbatore, dated 23.06.2022. Having objection with regard to the Police escort, the learned counsel for the petitioner submitted that the detenue will be granted leave without any Police escort, on the previous occasions, he was granted leave and availed the same without any deviation. The provision of Police escort would cause some hindrance and he cannot freely bond with his mother and relatives. Replying to the same, the learned Additional Public Prosecutor submitted that the petitioner except on one occasion, all the previous occasions, he was granted leave with Police escort. The Probation Officer, Division-I, Coimbatore, in his report, dated 20.05.2022 records that there is apprehension of threat to the detenue from the family members of the deceased.

4.We have heard the submissions of the made on either side and perused the proceedings of the Deputy Inspector General of Police, Coimbatore, dated 23.06.2022 and the report of the Probation Officer, Division-I, Coimbatore, dated 20.05.2022.



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5.In view of the specific recording of the Probation Officer about the apprehension of threat to the detainee and considering that on previous occasions, the detainee was granted leave with Police escort, this Court finds no reason to deviate from the same.

6.Hence, the petitioner's brother, a life convict prisoner in No.13874, to avail leave with Police escort as per the proceedings of the Deputy Inspector General of Police, Coimbatore, dated 23.06.2022.

7.With the above observation, this Writ Petition stands dismissed.
There shall be no order as to costs.

(M.S.,J.) (M.N.K.,J.)
31.01.2023

Index:Yes/No
Neutral Citation : Yes/No

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To

1.The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore – 641 018.



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2.The Superintendent,
Central Prison,
Coimbatore – 641 018.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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