



WEB COPY



WP.No.10010 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.10010 of 2023

Deepa
W/o.Arun Roy

.. Petitioner

Vs.

The State represented by its

1. The Deputy Inspector General of Prison
Coimbatore Zone,
Coimbatore Central Prison
Coimbatore.
2. The Superintendent
Central Prison
Salem.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus to direct the respondents to
grant ordinary leave for 40 days without escort to the detenu Arun Roy, son

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of Rajbalam, aged about 34 years, bearing Convict No.9031, Convict Prisoner at Central Prison, Salem.

For Petitioner : Mr.S.Pandiyan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John, Advocate

ORDER

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

This order will now dispose of the captioned writ petition.

2. Captioned writ petition has been filed by wife of a convict prisoner.

To be noted, convict prisoner is Mr.Arun Roy, convict No.9031, now lodged in Central Prison, Salem.

3. Mr.S.Pandiyan, learned counsel on record for petitioner who is before us submits that the convict prisoner was convicted vide judgment and sentence dated 17.08.2012 made in S.C.No.39 of 2009 on the file of 'the



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Court of learned Sessions Judge, Salem' [hereinafter 'trial Court' for the sake of convenience and clarity].

4. Learned counsel submits that representations dated 21.02.2023 and 25.03.2023 to respondents 2 and 1 respectively were made seeking 40 days ordinary leave without escort for the convict prisoner. It is the case of the petitioner that representations have not yielded any result and this has necessitated the filing of the captioned writ petition in this Court on 27.03.2023.

5. Issue notice.

6. Mr.R.Muniyapparaj, learned State Additional Public Prosecutor, assisted by Mr.M.Sylvester John, learned counsel accepts notice for both the respondents. Learned prosecutor, on instructions submits that the aforementioned representations are under active consideration of the respondents. Be that as it may, learned Prosecutor submits that the convict prisoner has thus far served only a little over 10 years and therefore, the cap



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qua ordinary leave would be 28 days. This means that active consideration is qua 28 days ordinary leave and not 40 days ordinary leave. Learned Prosecutor also submits on instructions that a decision on merits and in accordance with law would be taken within a fortnight from today i.e., by 17.04.2023.

7. Recording the submission of learned Prosecutor, captioned Writ Petition is disposed of making it clear that if the decision taken by the respondents within a fortnight is not to the satisfaction of the convict prisoner or anyone concerned for the convict prisoner, it is open to the convict prisoner or anyone concerned for the convict prisoner to challenge the same in accordance with law and all the rights and contentions in this regard stand preserved. In other words, this order will neither serve as a impetus nor impede such proceedings if such legal proceedings assailing the order to be made by the respondents becomes a necessity.

8. Captioned Writ Petition disposed of as closed recording the aforesaid submission of learned Prosecutor.

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9. Though the captioned writ petition is disposed of as closed, we direct the Registry to list captioned matter before us under the cause list caption 'FOR REPORTING COMPLIANCE' on 18.04.2023.

(M.S.,J.)

(M.N.K.,J.)

31.03.2023

Index : Yes

Speaking

Neutral Citation : Yes

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To

1. The Deputy Inspector General of Prison
Coimbatore Zone,
Coimbatore Central Prison
Coimbatore.
2. The Superintendent
Central Prison
Salem.
3. The Public Prosecutor
High Court, Madras.

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M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

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