



WP.No.16560 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.16560 of 2023

Vellimani

W/o.Justin Sunder Singh

..

Petitioner

Vs.

1. The Chief Superintendent of Jails
Jail Department
Government of Puducherry
Kalapet, Puducherry - 605 014.

2. The Superintendent of Jail
Central Prison,
Kalapet, Puducherry - 605 014.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus seeking direction to the 2nd respondent herein to grant leave for the period of 10 days to petitioner's husband, who is the convict prisoner namely, Justin Sunder Singh @

Page Nos.1/6



WP.No.16560 of 2023

Vigilkumar, son of Ambrose, aged about 39 years and is now confined at Central Prison, Puducherry and for attending his daughter's puberty function, which is scheduled to be held on 10.06.2023 at Kalaingar Colony, Kullakkalapalayam, Pollachi Taluk, Coimbatore District.

For Petitioner : Mr.A.Tamilarasan
For Respondents : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

ORDER

**[Order of the Court was made by K.GOVINDARAJAN
THILAKAVADI, J.,]**

The petitioner prays for directing the respondents to grant 10 days ordinary leave without escort to her husband namely, 'Mr.Justin Sunder Singh @ Vigilkumar, Son of Ambrose, aged about 39 years' [hereinafter 'convict prisoner' for the sake of convenience and clarity] who has been convicted and sentenced vide judgments dated 31.03.2023 in C.C.Nos.278, 279 and 310 of 2023 on the file of Court of the Chief Judicial Magistrate at Puducherry. The petitioner has sent a representation dated 15.05.2023 to respondents 1 and 2 herein for granting leave for a period of 10 days to her husband for attending her elder daughter's puberty function which is scheduled to be held on 10.06.2023. Having received the representation, the 2nd respondent failed to respond for the same till date. Hence, the petitioner



WP.No.16560 of 2023

was constrained to file the present writ petition for a direction, directing the 2nd respondent herein to grant leave for a period of ten days to the petitioner's husband, who is the convicted prisoner and now confined at Central Prison, Puducherry, for attending his daughter's puberty function, which is to be held on 10.06.2023 at Pollachi Taluk, Coimbatore District.

2.Mr.A.Tamilarasan, learned counsel appearing for the petitioner would submit that the presence of the convict prisoner in the said function is very important and therefore, the prayer of the petitioner for granting 10 days leave for her husband may be considered.

3.On the other hand, Mr.K.S.Mohandass, learned Public Prosecutor (Puducherry) submitted that the convict prisoner was sentenced to undergo rigorous imprisonment for six months in three cases (i.e.,) in C.C.Nos.278, 279 and 310 of 2023 for alleged offences under Sections 457 and 380 of IPC. Therefore, if the representation made by the petitioner is considered and leave is granted, there is every possibility for the convict prisoner to escape from the clutches of law.



WP.No.16560 of 2023

4.Heard on both sides, records perused.

WEB COPY

5.Admittedly, the petitioner has given her representation to the 2nd respondent on 15.05.2023. Since the said representation was not considered by the 2nd respondent, the petitioner was constrained to file the above writ petition. It is also not in dispute that the convict prisoner is in judicial custody from 02.10.2022. The petitioner has filed the above writ petition to grant leave for 10 days to her husband for attending the puberty function of her daughter at Coimbatore. However, for granting such ordinary leave, Rule 830 of 'Puducherry Prison Rules 2021' ['said Rules'] do not permit for the same. Rule 830 of said Rules permits the grant of ordinary leave only under the following circumstances:

- (i) To make arrangements for the livelihood of his family and for the settlement of life after release.
- (ii) To make arrangements for the admission of his children in the school or college.
- (iii) Construction or repair, work of the homestead;
- (iv) To make arrangements or to participate in the marriages of sons, daughters, full brothers or full sisters;
- (v) To settle family disputes like partition etc.,



WP.No.16560 of 2023

- (vi) To undertake agricultural operations like sowing, harvesting etc,
and
(vii) For any other extraordinary reasons.

6. Therefore, in our considered view, the convict prisoner is not entitled for grant of leave as prayed in the writ petition. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

06.06.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

mk

To

1. The Chief Superintendent of Jails
Jail Department
Government of Puducherry
Kalapet, Puducherry - 605 014.
2. The Superintendent of Jail
Central Prison,
Kalapet, Puducherry - 605 014.
3. The Public Prosecutor
High Court, Madras.

Page Nos.5/6



WEB COPY



WP.No.16560 of 2023

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

mk

W.P.No.16560 of 2023

06.06.2023

Page Nos.6/6