



W.P.No.18017 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

THE HONOURABLE MR. JUSTICE **S.S. SUNDAR**
AND
THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

W.P.No.18017 of 2023

Mini

... Petitioner

Vs.

The State rep. By its

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing No.3167/Tha.u.2/2023 dated 15.05.2023 passed by the first respondent and quash the same and consequently direct the respondents to grant ordinary leave for 30 days without escort to the detenu Bhaskar, S/o.Ramasamy, aged about 40 years bearing Convict No.24417 at Central Prison, Coimbatore.



W.P.No.18017 of 2023

For Petitioner : Ms.K.Akshaya
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

Challenging the order passed by the first respondent in No.3167/Tha.u.2/2023 dated 15.05.2023 and for a consequential direction to the respondents to grant ordinary leave for 30 days without escort to the convict prisoner – Bhaskar (Convict No.24417), S/o.Ramasamy, aged about 40 years, now lodged at Central Prison, Coimbatore, the present writ petition has been filed by the wife of the convict prisoner.

2. The convict prisoner has been convicted and sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one year simple imprisonment for the offence under Section 302 of IPC and to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one year simple imprisonment for the offence under Section 120(b) of IPC in S.C.No.01 of 2011 on the file of the Sessions Court, Kanyakumari at Nagercoil on 26.04.2017.



W.P.No.18017 of 2023

3. The petitioner earlier filed a writ petition for grant of ordinary leave for the convict prisoner and this Court directed the respondents therein to consider the representation of the petitioner for grant of ordinary leave for the convict prisoner. The representation of the petitioner was considered and rejected by the respondents mainly on the ground that the reasons stated by the petitioner for grant of ordinary leave are not true and that there is likelihood of law and order problem if the convict prisoner is granted leave.

4. The petitioner has made a representation for grant of ordinary leave for the convict prisoner only on the premise that the mother of the convict prisoner is not in good health. The petitioner, in paragraph 4 of the affidavit, has stated that her mother-in-law had several age related ailments and she was advised to take treatment for haemorrhoid which can be cured only by taking proper treatment. The petitioner has not filed any document to show the nature of ailments or necessity to admit the mother of the convict prisoner for any urgent treatment.

5. Counter affidavit is filed by the second respondent stating that the report of the Probation Officer and the Inspector of Police,



W.P.No.18017 of 2023

Aralvoimozhi Police Station, are not in favour of granting ordinary leave. It is also stated that the petitioner's mother-in-law i.e., mother of convict is hale and healthy and therefore the reason stated by the petitioner for grant of ordinary leave is not true.

6. Considering the fact that the convict prisoner has been sentenced to life imprisonment for the offence under Section 302 IPC and also for the offence under Section 120(b) IPC, this Court is unable to convince itself for granting ordinary leave to the convict prisoner. In case the petitioner has solid proof to show her mother-in-law's illness or any other cause with supportive materials, it is open to her to approach the authorities for grant of ordinary leave in future.

7. With the above observation, the writ petition stands dismissed.

(S.S.S.R., J.) (S.M., J.)
18.10.2023

Index : Yes / No
Neutral Citation : Yes / No
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W.P.No.18017 of 2023

To

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



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W.P.No.18017 of 2023

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W.P.No.18017 of 2023

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