



W.P.No.19417 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.19417 of 2023

Chithra

... Petitioner

Vs.

1.The State represented by its
Deputy Inspector General of Prisons,
Head Quarters,
Egmore,
Chennai – 600 008.

2.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore.

3.The Superintendent of Central Prison,
Salem,
Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing No. 21251 / thaku3/ 2022 dated

Page 1 of 6



W.P.No.19417 of 2023

24.04.2023 passed by the 3rd respondent and quash the same and subsequently direct the respondents to grant 21 days of ordinary leave without escort to the petitioner's husband Archunan, Son of Govindhan, Convict No. 16654, confined in Central Prison , Salem, to secure the ends of justice.

For Petitioner : Mr.C.Deepak Kumar
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.Aravind C.

ORDER

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

The petitioner challenges the impugned order, dated 24.04.2023, passed by the 3rd respondent, conceding to the request of the petitioner to grant Ordinary Leave to the petitioner's husband, namely, Archunan, Son of Govindhan (Convict No.16654), confined in Central Prison, Salem, with a condition that leave will be granted on minimum escort and that a sum of Rs.17,228/- will have to be borne by the petitioner towards cost of providing escort per day.



W.P.No.19417 of 2023

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2.The grievance of the petitioner is that the petitioner will have to spend more than Rs.3,00,000/- towards cost of providing escort to the convict and therefore, the petitioner wants either exemption from paying the cost of escort as suggested by the 3rd respondent or modification of the impugned order as one granting leave without any escort.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4.The petitioner's husband has been convicted for the offence under Section 376(1) IPC and therefore, the learned Additional Public Prosecutor has no serious objection for granting leave without escort. It is also reported that there is no adverse remarks as against the convict during his confinement. Considering the nature of offence for which the petitioner's husband is convicted and also the fact that the convict has served the sentence for a period of more than 3 years out of 7 years of imprisonment imposed on him and also having regard to the request of the petitioner by



W.P.No.19417 of 2023

showing her economic conditions, this Court is inclined to modify the impugned order dated 24.04.2023.

5. Accordingly, while confirming the leave granted by the 3rd respondent for a period of 21 days, insofar as it relates to requiring the petitioner to bear the expenses at the rate of Rs.17,228/- per day towards cost of providing escort to the petitioner's husband, the impugned order dated 24.04.2023 is modified to the extent that the convict is granted Ordinary Leave without any escort and it is open to the convict to avail the leave for a period of 21 days from 31.10.2023 to 20.11.2023 and the convict is directed to appear before the Theevattipatti Police Station, Salem, twice a day during the leave period.

6. With the above modification, this writ petition is disposed of. No costs.

(S.S.S.R., J.) (S.M., J.)
19.10.2023

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W.P.No.19417 of 2023

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

- 1.The Deputy Inspector General of Prisons,
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Chennai – 600 008.
- 2.The Deputy Inspector General of Prison,
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Coimbatore.
- 3.The Superintendent of Central Prison,
Salem,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.



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W.P.No.19417 of 2023

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W.P.No.19417 of 2023

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