



W.P.No.24502 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

Writ Petition No.24502 of 2023

Bharathi

.... Petitioner

-Vs-

1.The Deputy Inspector General of Prisons
Vellore Range, Vellore District.

2.The Superintendent of Prisons,
Vellore District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus, directing the respondents to consider the representation of the petitioner dated 11.08.2023 by granting one month leave to the detenu Balakrishnan, S/o Dasaraj, aged 52 years, lifer now confined in Central Prison, Vellore to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

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(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is for the issuance of a Writ of mandamus, directing the respondents to consider the representation of the petitioner dated 11.08.2023 by granting one month leave to the detenu Balakrishnan, S/o Dasaraj, aged 52 years, life convict now confined in Central Prison, Vellore.

2. The petitioner's father one Balakrishnan, S/o Dasaraj is a life convict and he has been lodged in Vellore Central Prison. He has completed eight years imprisonment. Therefore, he is eligible to take 28 days ordinary leave and in order to attend the marriage of the petitioner, which is scheduled to be conducted on 03.09.2023, on behalf of the detenu, the petitioner made a request to the jail authorities to sanction the ordinary leave of 28 days without police escort.

3. Though this writ petition has been filed seeking for a mandamus in order to consider the said plea, today when the writ petition is taken up for hearing, Mr.A.Gokulakrishnan, learned Additional Public Prosecutor has submitted that the plea of the petitioner on behalf of the detenu having been considered, was granted by order dated 26.08.2023 by the first respondent, wherein 28 days ordinary leave has been sanctioned to the petitioner's father /



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life convict, of course with police escort with a condition that the convict shall report to the police station which is nearer to his place where he is going to stay for the 28 days.

4. Though such an order has been passed, Mr.R.Sankara Subbu learned counsel for the petitioner has submitted that, earlier seven times emergency leave has been sanctioned to the petitioner's father and all the seven times, without any demur he has returned to the jail and sometimes even without police escort leave was granted. Therefore, for the 28 days ordinary leave where he has to attend the marriage of the petitioner, which is to be conducted on 03.09.2023, it would be helpful if such a leave without police escort is granted. In this regard, a good conduct report has already been made by the Probation Officer of the jail concerned and in this regard, merely by taking into account the report of the concerned Sub Inspector of Police, such a condition of escort since has been inflicted against the convict ie., the petitioner's father, learned counsel for the petitioner wants permission of 28 days ordinary leave without that condition.

5. Though it is stated by the learned Additional Public Prosecutor that it was based on the report submitted by the Sub Inspector of Police such a



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condition of police escort has been made in the order dated 26.08.2023, we, having considered the earlier occasions ie., seven times though he has been granted emergency leave, without any demur he has returned back to the jail and in this regard the Probation Officer also has given a report to that effect giving recommendation and all these years ie., 8+ years when he has been in jail, no such complaint has come adversely against the convict ie., the petitioner's father, we feel that in view of the marriage that is going to be solemnized to the petitioner ie., the daughter of the convict and on such occasion it might create some embarrassment to the convict during the religious ceremony of marriage, such a condition that the 28 days ordinary leave has been granted with police escort may not be required at this juncture.

6. More over, in Para No.7 of the order dated 26.08.2023, yet another condition has been imposed that he has to report before the nearest police station, where he is going to stay and we feel that condition would take care and ensure the good conduct of the convict.

7. In view of the above, by recording the said order dated 26.08.2023, insofar as the condition imposed in the said order that the 28 days ordinary leave is granted with police escort is concerned, without that condition the order dated 26.08.2023 can be implemented by the respondents. To that effect, we



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give direction to the respondents and by giving such direction, this writ petition is disposed of. No costs.

(R.S.K.,J.) (K.B.,J.)
28.08.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST

Note : Issue order copy today (28.08.2023)

To

- 1.The Deputy Inspector General of Prisons
Vellore Range, Vellore District.
- 2.The Superintendent of Prisons,
Vellore District.



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R.SURESH KUMAR, J.
AND
K.KUMARESH BABU, J.
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