



W.P.No.31582 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.31582 of 2023

R.Mahalakshmi

...Petitioner

VS.

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 9.

2. The Deputy Inspector General of Prison,
Egmore,
Chennai – 600 008.

3. The Superintendent of Prison
Central Prison, Salem.

4. The Inspector of Police,



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Annadhanapatty Police Station,
Salem District.

...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 release the petitioner's husband namely Ranjithkumar S/o.Mani aged about 36 years (Life Convict No.8929) on ordinary leave for a period of 30 days based on the representation made by the petitioner dated 19.10.2023.

For Petitioner :: Mr.A.Ashokkumar

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.)

This writ petition has been filed to direct the respondents to release the petitioner's husband namely Ranjithkumar S/o.Mani aged about 36 years (Life Convict No.8929) on ordinary leave for a period of 30 days based on the representation made by the petitioner dated 19.10.2023.



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2. The petitioner is the wife of the convict prisoner-Ranjithkumar (Life Convict No.8929), who is convicted along with the co-accused for the commission of offence under Sections 147, 148, 120(B) and 302 of IPC. The petitioner has come up with this petition for grant of ordinary leave to her husband/convict prisoner for a period of 30 days, however, the reason for his ordinary leave is only to arrange and to attend the puberty function of the daughter of the convict prisoner. Though it is stated that the convict prison has to arrange for treatment of the petitioner, this Court is convinced that the leave is primarily for arranging and attending his daughter's puberty function.

3. The learned Additional Public Prosecutor on instructions submitted that having regard to the nature of the offence committed by the convict prisoner, his life is under threat by the relatives of the deceased and that therefore, he cannot be granted leave without escort.

4. The learned counsel for the petitioner, however would state that the



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petitioner cannot bear the cost of the escort. In the said context, the learned Additional Public Prosecutor agreed for escort for one day. However, the petitioner is not inclined to avail leave for one day.

5. Therefore, this Court has no other option, but to dismiss this writ petition. However, if the petitioner files an undertaking affidavit before this Court to bear the cost of the escort beyond one day, he is at liberty to file a fresh petition.

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

(S.S.S.R.,J.) (S.M.,J.)
08.11.2023

Index: Yes/No

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To

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2. The Deputy Inspector General of Prison,
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3. The Superintendent of Prison
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4. The Inspector of Police,
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5. The Public Prosecutor
High Court, Madras



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