



WEB COPY



W.P.No.31881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

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

W.P.No.31881 of 2023

Seetha

... Petitioner

Vs.

The State rep. By its

1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 641 018.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to grant ordinary leave for 30 days without escort to the detenu Tamilselvan, S/o.Kamaraj, aged about 33 years, bearing Convict No.22332, confined at Central Prison, Coimbatore.

For Petitioner : Mr.P.Bakiyaraj

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



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ORDER

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

Seeking a direction to the respondents to grant ordinary leave for 30 days without escort to the convict prisoner, Tamilselvan, S/o.Kamaraj, aged about 33 years, Convict No.22332, confined at Central Prison, Coimbatore, the present writ petition has been filed by the wife of the convict prisoner.

2. Petitioner is the wife of the convict prisoner. The convict prisoner was convicted for the offence under Section 6 of POCSO Act, 2012 and sentenced to undergo 12 years rigorous imprisonment. It is stated that the convict prisoner has completed four years at Coimbatore Central Prison. The petitioner made a representation to the respondents stating that the mother of the convict prisoner is taking treatment in a hospital and that the presence of the convict prisoner is required in connection with the medical treatment to be given to her mother-in-law.

3. Learned Additional Public Prosecutor has submitted that the Probation Officer and the police have recommended for grant of ordinary leave to the convict prisoner. He has further submitted that



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the convict prisoner is entitled to ordinary leave for a period of 21 days as per the Tamil Nadu Suspension of Sentence Rules, 1982.

4. Considering the facts and circumstances of the case and the genuine request of the petitioner, this Court is inclined to grant 21 days ordinary leave instead of 30 days as prayed for by the petitioner in this writ petition.

5. Accordingly, we grant 21 days ordinary leave to the convict prisoner without escort subject to the usual conditions that can be imposed by the respondents and this writ petition is ordered on the following terms:

(i) The convict prisoner shall be released from the prison at 10.00 a.m. on 27.11.2023 and he shall return back to the prison at 06.00 p.m. on 17.12.2023;

(ii) We make it clear that the day on which the convict prisoner is released from the prison and the day on which he is readmitted will have to be excluded;

(iii) During the aforesaid leave period, the convict prisoner shall report before



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Siruvallur Police Station, Erode, twice a week

i.e., on every Monday and Friday at 10.30 a.m.

(S.S.S.R., J.) (S.M., J.)
21.11.2023

Index : Yes / No
Neutral Citation : Yes / No
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Note: Issue order copy on 23.11.2023

To

- 1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.
- 2.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 641 018.
- 3.The Inspector of Police,
Siruvallur Police Station,
Erode.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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