



W.P.No.33006 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.33006 of 2023

Amulraj @ Selvam

S/o Chinnathambi

..

Petitioner

v.

1. The State by:

The Secretary to Government

Home, Prohibition and Excise Department

Secretariat, Chennai 600 009

2. The Deputy Inspector General of Prisons

Chennai Circle, Egmore

Chennai

3. The Superintendent of Prison

Central Prison, Puzhal

Chennai

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Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorarified Mandamus, calling for the
records in the order date on 24.08.2023 bearing No.7024/tha.ku.2/2023



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passed by respondent no.3 and quashing the same, and directing the respondents to grant 30 days ordinary leave and release the petitioner Amulraj @ Selvam S/o Chinnathambi aged 68 years, Convict No.5503, Convict Prisoner, Central Prison, Puzhal.

For Petitioner :: Ms.S.Nadhiya

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

This writ petition is filed by the petitioner, who was convicted in Sessions Case No.12 of 2001 for the offence under Sections 120(B), 452, 332, 302, 398 read with 149 of IPC and sentenced to undergo imprisonment for life by the trial Court, seeking for grant of 30 days ordinary leave.

2. The case of the petitioner is that he belongs to poor family and that his wife is taking care of the family by doing daily coolie work in his village. It is the further case of the petitioner that his wife is suffering from heart disease and that the doctor had advised her to take treatment. The



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petitioner also wants to conduct the marriage for his son taking note of his wife's health condition. It is in these circumstances, an application was filed by the petitioner for grant of 30 days ordinary leave for the medical treatment of his wife. The said representation was turned down, on the ground that the petitioner is not eligible for ordinary leave under Rule 21 of the Tamil Nadu Suspension of Sentence Rules. Challenging the same, the petitioner has preferred the above writ petition.

3. Heard both sides.

4. This Court, after considering the bona fides of the petitioner, wanted the respondents to get a report from the Probation Officer. In the report produced before this Court, it is seen that the Probation Officer, considering all the relevant facts, recommended for grant of 30 days ordinary leave. It is also admitted that this Court had earlier granted 15 days ordinary leave to the petitioner vide order dated 27.11.2019 in H.C.P.No.2568 of 2019. In view of the same, this Court is inclined to pass the following order:-



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(i) The writ petition stands allowed and the impugned order passed by the 3rd respondent is set aside.

(ii) The petitioner, Amulraj @ Selvam, S/o Chinnathambi, aged 55 years, Convict No.5503, who is confined in Central Prison-I, Puzhal, Chennai, is granted 30 days ordinary leave without escort.

(iii) The leave shall commence from 06.12.2023 10.30 a.m., and the convict prisoner shall surrender before the third respondent by 5.30 p.m., on 04.01.2024.

(iv) The convict prisoner shall also report before the Irumpulikurichi Police Station, Ariyalur District twice a week at 10.30 a.m., and he shall not indulge in any other illegal or unwarranted activities during the aforesaid period of leave.

Consequently, W.M.P.No.32703 of 2023 stands closed.

Index : yes/no

(S.S.S.R.,J.)

(S.M.,J.)

Neutral citation : yes/no

01.12.2023

SS

To

1. The Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai 600 009



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2. The Deputy Inspector General of Prisons
Chennai Circle, Egmore
Chennai

3. The Superintendent of Prison
Central Prison, Puzhal
Chennai

4. The Inspector of Police
Irumpulikulurichi Police Station
Ariyalur District

5. The Public Prosecutor
High Court, Madras



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S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

SS

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