



WEB COPY



W.P.No.34530 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.34530 of 2023

Kimrose

..

Petitioner

Vs

The State represented by its

1.The Secretary to the Government of Tamil Nadu
Department of Home, Fort St George
Chennai 600 009.

2.The Director Inspector General of Prison
Vellore Saragam, Vellore 632 002.

3.The Superintendent
Central Prison, Cuddalore 607 004.

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus directing the respondents to grant leave for 28 days without escort to the detenue, Kasiviswanathan, son of Arulmani aged about 34 years, life convict No.16986, detained at Central Prison, Cuddalore.



W.P.No.34530 of 2023

For Petitioner : Ms.K.Akshaya for
Dr.s.Manoharan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

[Order of the Court was made by S.S.SUNDAR,J.]

- (1) This writ petition is filed by the petitioner for issuance of a mandamus directing the respondents to grant 28 days ordinary leave to her husband / detenu Kasiviswanathan, aged 34 years, a life convict bearing Convict No.16986.
- (2) The petitioner is the wife of the detenu who is a convict prisoner. The petitioner states that the detenu is the only breadwinner of the family and they are unable to meet both their ends in the absence of the detenu. Since the petitioner and the detenu are having two children, the petitioner states that she finds it difficult to pay school fees and to spend towards the medical treatment for her mother-in-law. It is in the said circumstances, the petitioner has submitted a representation dated 19.10.2023 for grant of ordinary leave without escort to the detenu for 28 days.
- (3) Even though the detenu is eligible, the representation of the petitioner



W.P.No.34530 of 2023

was not considered favourably due to the fact that an appeal is pending before this Court as against the order of conviction.

(4) The learned Additional Public Prosecutor produced before this Court the Report of the Probation Officer dated 30.11.2023 recommending grant of Ordinary leave to the detenu for 28 days. The Police Report produced before this Court is also in favour of the detenu. Learned Additional Public Prosecutor further stated that the convict has completed five years and seven months in jail.

(5) This Court, considering the genuineness of the request of the petitioner and taking into consideration the Report of the Probation Officer and the police, is inclined to grant ordinary leave for 30 days from 18.12.2023 to 14.01.2024 without escort.

(6) Accordingly, the writ petition stands **ordered** and the following directions are passed:-

(a) The detenu **Kasiviswanathan son of Arulmani**, aged 34 years, is granted **28 days Ordinary Leave from 18.12.2023 to 14.01.2024 without escort.**

(b) The petitioner shall be released from the prison at 10.00 a.m., on



W.P.No.34530 of 2023

18.12.2023 and he shall return back to the prison at 7.00 p.m., on

14.01.2024.

(c) Since no escort is provided, the detenu **Kasiviswanathan son of Arulmani**, aged 34 years, **shall report before the Inspector of Police, Elavanasur Kottai Police Station, Kallakurichi District, on every Monday and Thursday at 10.00 a.m., commencing from 18.12.2023.**

(d) Post on **17.01.2024 for reporting compliance.**

[SSSRJ] [SMJ]
14.12.2023

AP

Internet : Yes

NOTE: Issue order copy tomorrow [15.12.2023]

To



W.P.No.34530 of 2023

WEB COPY

1.The Secretary to the Government of Tamil Nadu
Department of Home, Fort St George
Chennai 600 009.

2.The Director Inspector General of Prison
Vellore Saragam, Vellore 632 002.

3.The Superintendent
Central Prison, Cuddalore 607 004.

4. The Public Prosecutor
High Court, Madras.

COPY To:-

The Inspector of Police
Elavanasur Kottai Police Station,
Kallakurichi District.



WEB COPY



W.P.No.34530 of 2023

S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

AP

W.P.No.34530 of 2023

14.12.2023