



W.P.No.1005 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Manojkumar

... Petitioner

Vs.

The State represented by its,

1. The Deputy Inspector General of Prison
Coimbatore Zone,
Coimbatore.
2. The Superintendent
Central Prison, Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to grant 30 days of ordinary leave without escort to the detenue, Thangadurai, aged about 36 years, S/o. Rajan, Convict Prisoner, bearing Convict No.22621 confined at Central Prison, Coimbatore.

For Petitioner	:	Mr.P. Bakiyaraj
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor Assisted by Mr.Aravind, C.



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ORDER

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

In the present Writ Petition, the petitioner seeks for grant of ordinary leave for his brother Thangadurai, who is a life convict and confined in the Central Prison, Coimbatore.

2. The learned Additional Public Prosecutor had produced a copy of the Probation Officer's Report dated 02.01.2024 as well as the report of the jurisdictional Inspector of Police dated 25.12.2023, in which both of them had not recommended the case of the petitioner's brother for grant of ordinary leave. The reason assigned in the report of the Probationer Officer is that if the life convict is granted ordinary leave, there would be law and order problem from the family of the victim involved in the criminal case. This apart, the Probation Officer also stated that the petitioner's brother is extended medical treatment at the jail itself.

3. It is seen that the petitioner's brother was convicted on 12.02.2020 and has been in prison for almost four years. The petitioner had also produced certain medical certificates of his brother, in which the Tamil Nadu



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Medical Services Corporation Limited has given their impression that the petitioner's brother suffers from Multiple Benign Cavernous Angioma. It is the submission of the learned counsel for the petitioner that there is a blood clot in the life convict's brain, which may require serious medical attention and the facilities in the jail hospital may not be sufficient.

4. We have taken into consideration the long period of incarceration of the life convict and also the medical treatment which he may be required to be taken outside the jail premises. The Medical Certificate given by the jail authorities also endorses that the life convict prisoner is suffering from Multiple Benign Cavernous Angioma together with Migraine.

5. Insofar as the apprehension of the respondent that there could be some danger to the life of the petitioner's brother is concerned, a Coordinate Bench of this Court had already taken a view in the case of ***Velayutham vs. The Deputy Inspector General of Prison, Madurai and another*** (W.P. (M.D) No.21987 of 2023 dated 19.09.2023) in the following manner.

"4. In the impugned order, reliance has been placed on the



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report of the Probation Officer and the jurisdictional police. On perusal of the original file produced by the learned Additional Public Prosecutor, the Probation Officer has made a reference to the observations of the jurisdictional Police stating that there is a likelihood of danger to the life of the petitioner's son, if he is released on ordinary leave, since he has murdered his own wife. A mere apprehension that there could be some danger to a life convict prisoner, if he is released on ordinary leave, will not be sufficient, unless such a statement is substantiated with other statements and evidences. It is needless to point out that in all cases where a conviction of life imprisonment is granted for a prisoner involved in an offence under Section 302 IPC, such a vague statement can always be made for rejecting the request for grant of ordinary leave. In this background, we are of the view that if the petitioner's son is imposed with a condition to report before the jurisdictional Police at least twice in a day during the entire course of his leave period, the ends of justice could be secured."

The aforesaid extract is self explanatory. Thus, the mere apprehension that there could be some danger to the life convict would not be sufficient enough to deny the request of the life convict for grant of ordinary leave when he is



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otherwise eligible.

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6. In the light of the above observations, the petitioner's brother, viz., the detinue, Thangadurai, S/o. Rajan, aged about 36 years, Convict Prisoner, bearing Convict No.22621, is granted ordinary leave for a period of 15 days, without escort, commencing from 24.01.2024 till 07.02.2024, on the following conditions.

(i) the respondents are directed to grant Ordinary Leave to Thangadurai, S/o. Rajan, life convict prisoner (Convict No.22621), for a period of 15 days, without escort, commencing from 24.01.2024 to 07.02.2024.

(ii) During the period of leave, the life convict prisoner is directed to report before the Inspector of Police, Kinathukadavu Police Station, Coimbatore District (Rural), daily at 10.30 A.M.

(iii) After expiry of the ordinary leave, the life convict prisoner shall surrender before the 2nd respondent herein, on 07.02.2024 before 05.00 p.m.

(iv) The life convict prisoner shall utilize the leave only for the purpose



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for which it has been granted and shall not indulge in any other activities.

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7. With the above directions, the Writ Petition stands allowed. There shall be no order as to costs.

[M.S.R., J] [S.M., J]
22.01.2024

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

Note to office : Issue Order Copy on 23.01.2024
Upload the order copy forthwith

To

1. The Deputy Inspector General of Prison
Coimbatore Zone, Coimbatore.
2. The Superintendent
Central Prison, Coimbatore.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
Kinathukadavu Police Station, Coimbatore District (Rural)



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