



W.P.No.5452 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Sasikumar

... Petitioner

Vs.

1.The Home Secretary,
Home Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Additional Director General of Police
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai – 600 008.

3.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.

4.The Inspector of Police,
Neyveli All Women Police Station,
Cuddalore District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant 30 days ordinary leave without escort to petitioner's uncle Convict Prisoner Mr.Sekar, S/o.Rengasamy, now confined in Cuddalore Central Prison, for the purpose of “to making fencing and repairing the damaged house”. In pursuant to petitioner's representation dated 19.12.2023.

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

ORDER

M.S.RAMESH, J.
AND
SUNDER MOHAN, J.

On the ground that the petitioner requires the presence of the prisoner/uncle for repairing the damaged house of the prisoner and making fence in it, he sought leave for his uncle. He had also given a representation on 19.12.2023 for the same. Since the same has not been considered till date, the petitioner has filed the present Writ Petition seeking for grant of 30 days ordinary leave without escort for his uncle.



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2. The learned Additional Public Prosecutor, on instructions, submitted that the prisoner is entitled for 28 days leave. He has also produced a report of the Probation Officer dated 30.01.2024, in which the reason of the petitioner for seeking leave for his uncle, is stated to be as genuine.

3. By taking into consideration the reason assigned by the petitioner in the affidavit filed in support of this Writ Petition, as well as the report of the Probation Officer, stating that the reason assigned by the petitioner for seeking leave for his uncle to be genuine, we are inclined to grant 28 day of ordinary to the petitioner's uncle.

4. Accordingly, the convict prisoner namely Sekar, S/o.Rengasamy, Convict No.16114, shall be granted 28 days ordinary leave **“without escort”** commencing from 25.03.2024 to 21.04.2024, with a further condition that he shall report before the jurisdictional Police i.e. Vadaloor Police Station, Cuddalore District, twice a week on Mondays and



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Thursdays at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 22.04.2024 before 10.00 a.m. The convict prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

5. With the above direction, the Writ Petition stands partly allowed.

No costs.

[M.S.R., J]

[S.M., J]

20.03.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

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To

1.The Home Secretary,
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Chennai – 600 009.

2.The Additional Director General of Police
and Inspector General of Prisons,
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3.The Superintendent of Prison,
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Cuddalore District.

4.The Inspector of Police,
Neyveli All Women Police Station,
Cuddalore District.

5.The Public Prosecutor,
High Court, Madras.



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