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W.P.No.1589 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.1589 of 2024

S.Thangam

...Petitioner / mother of the detenue

vs.

1.The State represented by its,
Home Secretary,
Home Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Additional Director
General of Police (prison),
Whannels Road,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison,
Cuddalore-607 001.



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4.The Inspector of Police,
Viruthachalam Police Station,
Cuddalore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order No.14935/Tha.Ku.2/2023, dated 21.12.2023, issued by the third respondent and quash the same and consequently, direct the respondents to grant parole for 40 days without escort to petitioner's son name, Manikandan @ Kalaimani, son of Subash (Convicted Prisoner No.14935), aged 40 years, now confined at Central Prison, Cuddalore.

For Petitioner : Mr.K.Amirthalingam

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

ORDER

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

This writ petition has been filed to direct the respondents to grant ordinary leave for 40 days without escort to the detenu, Manikandan @



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Kalaimani, son of Subash (Convicted Prisoner No.14935), aged 40 years,
now confined at Central Prison, Cuddalore.

2. The reason assigned in the impugned order of rejection is that, though the petitioner sought for grant of leave of her son, alleging that his presence was necessary in order to make arrangements for the livelihood of his family and for repairing his dilapidated house. However, upon investigation it is found that, the family members of the convict are residing in the nearby concrete building and repairing the said building will not be necessary for the time being. However, it is the case of the petitioner that the life convict's wife and younger daughter have expired, and it is stated that his only surviving daughter has epilepsy and Tuberculosis, and he is required in person to take care of his daughter's health and to provide financial aid for her education.

3. Heard the learned counsel on either side and perused the documents.



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4. It is the submission of the learned Additional Public Prosecutor that the report of the Probation Officer is not in favour of the convict.

Nevertheless, considering that the petitioner needs to care for his daughter who is facing health issues, a short period of leave could be granted to the convict.

5. Therefore, we are inclined to accept the reason assigned in the petition, seeking for ordinary leave and allow this writ petition and permit the petitioner's son / convict prisoner i.e., Manikandan @ Kalaimani, son of Subash (Convicted Prisoner No.14935), aged 40 years, to avail ordinary leave for a period of 15 days without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Manikandan @ Kalaimani, son of Subash (Convicted Prisoner No.14935), aged 40 years, on Ordinary Leave for a period of 15 days i.e., from 10.02.2024 to 24.02.2024.

(ii) The Convict Prisoner shall be released on 10.02.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Cuddalore-607001,



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on 24.02.2024 at 05.30 p.m.

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(iii) The Convict Prisoner is directed to report before the Thittakudi Police Station, Cuddalore District, once a week i.e., on every Monday at 05.00 pm, during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

6. With the above directions, the writ petition stands allowed.

(M.S.R.,J.) (S.M.,J.)
07.02.2024

Note to Registry:

- 1.Issue order copy by 09.02.2024.
 - 2.Upload the order copy forthwith.
- Anu



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M.S.RAMESH, J

and

SUNDER MOHAN, J

Anu

To

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Fort St.George,
Chennai-600 009.

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3.The Superintendent of Prison,
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4.The Inspector of Police,
Thittakudi Police Station, Cuddalore District

5. The Additional Public Prosecutor,
High Court, Madras.



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