



WEB COPY



W.P.No.1666 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.1666 of 2024

M.Gokila

...Petitioner / wife of the detenue

vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai-600 008.

2.The Superintendent of Prison,
Central Prison-1, Puzhal,
Chennai-600 066.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus, directing the respondents to



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grant 21 days ordinary leave without escort by considering the petitioner's representation dated 01.01.2024 for her husband namely Murugaiyyan, S/o.Velu, aged 47 years, Convict Prisoner, Central Prison-1, Puzhal.

For Petitioner : Mr.S.Nadhiya

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 21 days without escort by considering the petitioner's representation dated 01.01.2024 for her husband, namely Murugaiyyan, S/o.Velu, aged 47 years, Convict Prisoner, Central Prison-1, Puzhal.

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



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3. In the representation made by the petitioner, seeking for grant of ordinary leave, she has stated that the presence of her husband / life convict is imminent for making arrangements for educational expenses of her daughter who is pursuing her nursing course at Sri. Manakula Vinayagar Nursing College, Puducherry. Such a reason is permissible in the grounds provided under Rule 20 (ii) of the Tamil Nadu Suspension of Sentence Rules, 1982, for granting ordinary leave. Though a representation was made way back on 01.01.2024, the respondents are yet to consider the same. This apart, the report of the Probation Officer, dated 13.02.2024 also states that the plea made by the petitioner herein for parole is genuine. In this background, we are inclined to consider the petitioner's request.

4. In view of the above, this Court is inclined to allow this writ petition and permit the petitioner's husband / convict prisoner i.e., Murugaiyyan, S/o.Velu, aged 47 years, Convict Prisoner, Central Prison-1, Puzhal, to avail ordinary leave for a period of 21 days without escort, on the following conditions.



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(i) Respondents are directed to release the Convict Prisoner viz., Murugaiyyan, S/o.Velu, aged 47 years, Convict Prisoner, Central Prison-1, Puzhal, on Ordinary Leave for a period of 21 days i.e., from 22.02.2024 to 13.03.2024.

(ii) The Convict Prisoner shall be released on 22.02.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison-1, Puzhal, Chennai, on 13.03.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, D-Nagar Police Station, Puducherry, twice a week i.e., on every Monday and Thursday 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.



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

(M.S.R.,J.) (S.M.,J.)
20.02.2024

Note to Registry:

1. Issue order copy by 21.02.2024.
2. Upload the order copy forthwith.

Anu

To

1. The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai-600 008.

2. The Superintendent of Prison,
Central Prison-1, Puzhal,
Chennai-600 066.

4. The Inspector of Police,
D-Nagar Police Station,
Puducherry.

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



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and

SUNDER MOHAN, J

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