



WEB COPY



W.P.No.1486 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM :

THE HON'BLE MR. JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.1486 of 2024

Stella Mary

...Petitioner/Wife of Detenu

vs.

1. State by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2. The Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road, Egmore, Chennai – 600 008.

3. The Superintendent of Prisons,
Central Prison-I, 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 respondent to
grant ordinary leave for 40 days by considering the representation of the



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petitioner dated 30.12.2023 and release her husband viz., Pandiyan S/o.Mani aged about 59 years, Convict Prisoner, Central Prison, Puzhal.

For Petitioner :: Ms.S.Nadhiya

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The prayer in the present writ petition is for grant of ordinary leave for 40 days for the petitioner's husband viz., Pandiyan S/o.Mani, who is a life convict and completed 20 years of sentence.

2. The learned Additional Public Prosecutor produced the Probation Officer's report dated 24.01.2024 in which it is stated that the Convict Prisoner is eligible for 40 days ordinary leave and the reasona that the Convict Prisoner's presence is required for the purpose of making marriage arrangement for his son as well as for making financial arrangement for his family's livelihood, are true.

3. In view of the positive report of the Probation Officer dated 24.01.2024 and also by taking note of the fact that the Convict Prisoner is



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eligible for grant of ordinary leave for 40 days, we are inclined to allow the writ petition.

4. At this juncture, the learned Additional Public Prosecutor submitted that the petitioner's husband has already been granted emergency leave which expires on 05.02.2024.

5. Therefore, in exercise of our powers, we permit the petitioner's husband / prisoner i.e., Pandiyan S/o.Mani, aged about 59 years bearing Convict No.2012, confined at Central Prison, Puzhal, Chennai, to avail Ordinary Leave for a period of 40 days without escort, on the following conditions.

(i) The Convict Prisoner viz., Pandiyan S/o.Mani, aged about 59 years bearing Convict No.2012, confined at Central Prison, Puzhal, Chennai, is granted Ordinary Leave for a period of 40 days i.e., from 05.01.2024 to 16.03.2024.

(ii) In view of the order passed today, the petitioner's husband need not surrender before the jail authorities on expiry of his Emergency Leave i.e., on 05.02.2024.

(iii) The Prisoner shall surrender before the Superintendent of Prisons, Central Prison, Puzhal, Chennai



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on 16.03.2024 at 05.30 p.m.

(iii) The Prisoner is directed to report before the Inspector of Police, P-3 Vyasarpadi Police Station, Chennai twice a week i.e., on every Monday and Thursday at 05.00pm, during the period of leave.

(iv) The 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.)

31.01.2024

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Index : Yes / No

Speaking / Non-Speaking Order

Neutral Citation : Yes / No

Issue order copy by 31.01.2024.



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