



W.P.No.4143 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM:

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

W.P.No.4143 of 2024

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...Petitioner/Wife of the detenu

vs.

1.The State represented by its,
Department of Home,
Fort St.George,
Chennai – 600 009.

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

3.The Superintendent,
Central Prison,
Salem.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to grant ordinary leave for 30 days without escort to the detenue, Arun Roy,



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S/o.Rajbalam, aged about 35 years, bearing Convict No.9031, Convict Prisoner at Central Prison, Salem.

For Petitioner :: Mr.S.Pakiyaraj

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.)

The prayer in the present writ petition is for grant of ordinary leave for 30 days without escort for the petitioner's husband/convict prisoner viz., Arun Roy, S/o. Rajbalam, aged about 35 years, bearing Convict No.9031, confined at Central Prison, Salem.

2. Mr.E.Raj Thilak, learned Additional Public Prosecutor produced the Probation Officer's report dated 07.03.2024, in which it is stated that the Convict Prisoner is eligible for ordinary leave. However, the Probation Officer has recommended for grant of ordinary leave with escort. He further submitted that the Convict Prisoner is eligible for 28 days of ordinary leave.



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3. We do not ratify the reason assigned by the Probation Officer for a grant of ordinary leave with escort. However, if the prisoner is directed to report before the jurisdiction of police at least twice in a week, the ends of justice may be secured.

4. Therefore, in view of the positive report of the Probation Officer dated 07.03.2024 and also by taking note of the fact that the Convict Prisoner is eligible for grant of ordinary leave for 28 days, we are inclined to allow the writ petition.

5. Accordingly, we permit the petitioner's husband/ Convict Prisoner i.e., Arun Roy S/o.Rajbalam, aged about 35 years bearing Convict No.9031, confined at Central Prison, Salem, to avail ordinary leave for a period of 28 days without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Arun Roy S/o.Rajbalam, aged about 35 years, bearing Convict No.9031 confined at Central Prison, Salem, on ordinary leave for a period of 28 days i.e., from 14.03.2024 to 10.04.2024.



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(ii) The Convict Prisoner shall be released on 14.03.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Salem Central Prison, on 10.04.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Pappiredipatti Police Station, Dharamapuri District, twice a week i.e., on every Monday and Thursday at 05.00 p.m., 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.)

11.03.2024

dk

Index : Yes / No

Speaking / Non-Speaking Order

Neutral Citation : Yes / No

Note to Registry:-

1. Issue order copy by 13.03.2024.

2. Upload the order copy forthwith.



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Copy to:-

1. The Department of Home,
Fort St. George,
Chennai – 600 009.
2. The Deputy Inspector General of Prison,
Coimbatore Zone, Coimbatore Central Prison,
Coimbatore.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court, Madras.



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