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W.P.No.5200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2024

CORAM :

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

W.P.No.5200 of 2024

Ramya

...Petitioner

vs.

1.State by:

The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police &

Director General of prisons and correctional services,
Gandhi Irwin 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 21 days by considering the representation of the



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petitioner dated 04.02.2024 and release her husband namely, Balaji S/o.Sekar aged about 42 years, Convict Prisoner, Central Prison, Puzhal.

For Petitioner :: M/s.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.)

The prayer in the present writ petition is for grant of ordinary leave for 21 days for the petitioner's husband viz., Balaji S/o.Sekar, aged about 42 years, Convict Prisoner, Convict No.9110, Central Prison, Puzhal.

2. Mr.E.Raj Thilak, the learned Additional Public Prosecutor, produced the Probation Officer's report dated 04.03.2024 in which it is stated that the reason assigned by the petitioner for grant of leave to the Convict Prisoner, i.e., for making arrangements for the medical expenses of the Convict Prisoner's father as well as the educational expenses for the Convict Prisoner's daughter, is true, and there is no life threat for the Convict Prisoner. The learned Additional Public Prosecutor further submitted that the Convict Prisoner is eligible for 21 days of ordinary leave.



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3. In view of the positive report of the Probation Officer dated 04.03.2024 and also by taking note of the reasons for which the leave is sought for, we are inclined to allow the writ petition and grant ordinary leave for 21 days.

4. Accordingly, we permit the petitioner's husband/Convict Prisoner i.e., Balaji S/o.Sekar aged about 42 years, bearing Convict No.9110, confined at Central Prison, Puzhal, to avail Ordinary Leave for a period of 21 days without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Balaji S/o.Sekar aged about 42 years, bearing Convict No.9110, confined at Central Prison, Puzhal, on ordinary leave for a period of 21 days i.e., from 22.03.2024 to 11.04.2024.

(ii) The Convict Prisoner shall be released on 22.03.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Puzhal Central Prison, on 11.04.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Manimangalam Police Station, Tambaram Commissionarate,



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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.)
19.03.2024

dk

Index : Yes / No

Speaking / Non-Speaking Order

Neutral Citation : Yes / No

Note to Registry:

1. Issue order copy by 21.03.2024.

2. Upload the order copy forthwith.



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Copy to:-

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The Director General of Police &
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3. The Superintendent of Prisons
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4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

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