



W.P.No.5097 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM :

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

W.P.No.5097 of 2024

Nandhini

...Petitioner/Wife of the detenu

vs.

1.The Deputy Inspector of Prisons  
Coimbatore Range,  
Coimbatore – 18.

2.The Superintendent of Prison,  
Central Prison,  
Salem -7.

...Respondents

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 by considering the representation of the petitioner dated 26.12.2023 for her husband namely Boopathi S/o. Thangaraj aged about 32 years, Convict Prisoner, Central Prison, Salem.

For Petitioner :: Ms.S.Nadhiya



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W.P.No.5097 of 2024

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 petitioner's request for grant of ordinary leave to her husband was not considered in time which prompted her to file the present writ petition.

2. In the Probation Officer's report dated 28.02.2024, it is stated that the petitioner's two children are studying in seventh and fourth standards, respectively, in the Government Schools and since the mother/petitioner is taking care of the children, the Convict Prisoner viz.,Boopathi S/o.Thangaraj aged about 32 years, Convict No.8674, confined at Central Prison, Salem, need not be granted leave.

3. We are not in agreement with the reasons assigned by the Probation Officer. Firstly, apart from stating that the petitioner's husband's presence is required for making financial arrangements for the school education, she had also stated that his presence is imminent for repairing the damaged



W.P.No.5097 of 2024

house. The second reason for which the leave was sought for has not been addressed by the Probation Officer. This apart, even though the children may be studying in a Government School, there could be other incidental expenses touching upon the educational needs, for which the petitioner's husband's leave may be required.

4. At this juncture, Mr.E.Raj Thilak, the learned Additional Public Prosecutor, submitted that the prisoner's husband/Convict Prisoner is otherwise eligible for 28 days of ordinary leave.

5. Accordingly, we permit the petitioner's husband/Convict Prisoner viz.,Boopathi S/o.Thangaraj aged about 32 years, bearing Convict No.8674, 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.,Boopathi S/o.Thangaraj aged about 32 years, bearing Convict No.8674, confined at Central Prison, Salem, on Ordinary Leave for a period of 28 days i.e., from 01.04.2024 to 28.04.2024.



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W.P.No.5097 of 2024

(ii) The Convict Prisoner shall be released on 01.04.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Central Prison Salem, on 28.04.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Namagiri Pettai Police Station, Namakkal 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.

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

(M.S.R.,J.) (S.M.,J.)  
27.03.2024

dk

Speaking / Non-Speaking Order

Neutral Citation : Yes / No

**Note to Registry:**

1.Issue order copy by 28.03.2024.

2.Upload the order forthwith.

Copy to:-

1.The Deputy Inspector of Prisons  
Coimbatore Range,  
Coimbatore – 18.



W.P.No.5097 of 2024

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2. The Superintendent of Prison,  
Central Prison,  
Salem -7.

3. The Public Prosecutor,  
High Court, Madras.



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W.P.No.5097 of 2024

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AND

SUNDER MOHAN,J.

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W.P.No.5097 of 2024

27.03.2024