



WEB COPY



W.P.No.5781 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.5781 of 2024

B.Malar

... Petitioner

Vs.

1.The Home Secretary,
Home Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Additional Director General of Police
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai – 600 008.

3.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.

4.The Inspector of Police,
Kallakuruchi All Women Police Station,
Kallakuruchi District.

... Respondents



W.P.No.5781 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant 15 days ordinary leave without escort to petitioner's husband Convict Prisoner Mr.Balaji, S/o.Dhamodharan, CT-17095, now confined in Cuddalore Central Prison, for the purpose of “to making arrangements of higher psychological treatment and attended the 30th day ceremonies of his father”. In pursuant to petitioner's representation dated 31.01.2024.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

M.S.RAMESH, J.
AND
SUNDER MOHAN, J.

On the ground that the petitioner requires the presence of her husband/prisoner for taking her medical treatment and for her husband to attend the death ceremony of his father, she sought leave for her husband. She had also given a representation on 31.01.2024 in this regard. Since the same has not been considered till date, the petitioner has filed the present Writ Petition seeking for grant of 15 days ordinary leave without escort for her husband.



W.P.No.5781 of 2024

WEB COPY

2. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 06.03.2024, which is in favour of the prisoner and the Probation Officer has no objection in granting 15 days leave to the prisoner.

3. By taking into consideration the reason assigned by the petitioner in the affidavit filed in support of this Writ Petition, as well as the report of the Probation Officer, we are inclined to grant 15 day of ordinary to the petitioner's husband.

4. Accordingly, the convict prisoner namely Balaji, S/o.Dhamodharan, CT-17095, shall be granted 15 days ordinary leave **“without escort”** commencing from 25.03.2024 to 08.04.2024, with a further condition that he shall report before the jurisdictional Police i.e. Kachirayapalayam Police Station, Cuddalore District, twice a week on Wednesdays and Saturdays at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on



W.P.No.5781 of 2024

WEB COPY

09.04.2024 before 10.00 a.m. The prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

5. With the above direction, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

20.03.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No

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W.P.No.5781 of 2024

WEB COPY

To

1.The Home Secretary,
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Secretariat, Fort St.George,
Chennai – 600 009.

2.The Additional Director General of Police
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai – 600 008.

3.The Superintendent of Prison,
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Cuddalore District.

4.The Inspector of Police,
Kallakuruchi All Women Police Station,
Kallakuruchi District.

5.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.5781 of 2024

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W.P.No.5781 of 2024

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