



WEB COPY



W.P.No.5837 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM :

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

W.P.No.5837 of 2024
and
W.M.P.No.6467 of 2024

Mini

...Petitioner/Wife of the detenue

VS.

The State represented by its

1.The Deputy Inspector General of Prisons,
Coimbatore Zone,
Coimbatore.

2.The Superintendent
Central Prison,
Coimbatore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorarified Mandamus, to call for the
records pertaining to the Impugned Order bearing No.9113/Tha.U.2/ dated :
08.02.2024, passed by the second respondent and quash the same and



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consequently direct the first respondent to grant ordinary leave for 30 days without escort to the detenue, Bhaskar, S/o. Ramasamy, aged about 40 years bearing Convict No.24417 at Central Prison, Coimbatore.

For Petitioner :: Mr.P.Bakiyaraj

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.)

This writ petition has been filed to call for the records pertaining to the Impugned Order bearing No.9113/Tha.U.2/ dated: 08.02.2024, passed by the second respondent and quash the same and consequently direct the first respondent to grant ordinary leave for 30 days without escort to the detenue, Bhaskar, S/o. Ramasamy, aged about 40 years bearing Convict No.24417 at Central Prison, Coimbatore.

2. In the affidavit filed in support of the present writ petition, it is stated that the leave is required for arranging financial assistance for livelihood of the Convict Prisoner's family.



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3. Mr.E.Raj Thilak, the learned Additional Public Prosecutor produced the copy of the Probation Officer's report dated 29.12.2023, wherein, the Probation Officer has recommended for grant of leave to the Convict Prisoner with escort. The learned Additional Public Prosecutor further submitted that the Convict Prisoner is eligible for 28 days of ordinary leave.

4. Though the Probation Officer has recommended for grant of leave, the condition stated therein is that the leave could be granted with escort. However, no justification has been made in the report as to why the Convict Prisoner should be granted leave with escort.

5. In this background, we are of the considered view that if the Convict Prisoner is directed to report before the Jurisdictional Police twice a week, the apprehension of the Probation Officer can be redressed.

6. Accordingly, we permit the petitioner's husband/Convict Prisoner i.e., Bhaskar, S/o. Ramasamy, aged about 40 years bearing Convict



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No.24417, confined at Central Prison, Coimbatore, 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., Bhaskar, S/o. Ramasamy, aged about 40 years bearing Convict No.24417, confined at Central Prison, Coimbatore, on Ordinary Leave for a period of 28 days i.e., from 25.03.2024 to 21.04.2024.

(ii) The Convict Prisoner shall be released on 25.03.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Central Prison Coimbatore, on 21.04.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Aralvaimozhi Police Station, Kanniyakumari, 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.



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

Consequently, the connected miscellaneous petition is closed.

(M.S.R.,J.)

(S.M.,J.)

21.03.2024

dk

Speaking / Non-Speaking Order

Neutral Citation : Yes / No

Note to Registry:

1.Issue order copy by 22.03.2024.

2.Upload the order copy forthwith.

Copy to:-

1.The Deputy Inspector General of Prisons,
Coimbatore Zone,
Coimbatore.

2.The Superintendent
Central Prison,
Coimbatore.

3. The Public Prosecutor,
High Court, Madras.



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