



WEB COPY



W.P.No.6203 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.6203 of 2024

Abirami

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai – 600 009.

2.The Deputy General of Prison (DIG),
Coimbatore Range,
Coimbatore – 632 002.

3.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 607 401.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Certiorarified Mandamus, calling for
the records pertaining to the impugned order bearing



W.P.No.6203 of 2024

No.1806/Tha.Ku.3/2023, dated 02.02.2024 passed by the 3rd respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 30 days without escort to the detenu Prabhu, S/o.Rathinasamy, aged about 48 years, Convict No.23021, confined at Central Prison, Coimbatore.

For Petitioner : Mr.S.Manoharan

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

ORDER

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

This Writ Petition has been filed challenging the impugned order dated 02.02.2024, rejecting the representation of the petitioner dated 22.01.2024.

2. The only reason assigned in the impugned order for the rejecting the petitioner's request for grant of ordinary leave to her husband is that the prisoner had not completed 3 years of imprisonment in order to become eligible for grant of an ordinary leave. The order of rejection



W.P.No.6203 of 2024

WEB COPY

came to be passed on 02.02.2024, however, as on date, the prisoner has completed 3 years of imprisonment and as such, he would be eligible for grant of an ordinary leave under Rule 22 of the Tamil Nadu Suspension of Sentence Rules, 1982.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 18.03.2024, which is in favour of the prisoner and the Probation Officer has no objection in granting leave to the prisoner with escort.

4. Since no other reason has been assigned in the impugned order dated 02.02.2024 for the rejecting the petitioner's representation, we are inclined to consider the prayer sought for in this Writ Petition.

5. Accordingly, the impugned order dated 02.02.2024 passed by the third respondent in No.1806/Tha.Ku.3/2023, is hereby quashed. Consequently, there shall be a direction to the respondents to grant 21 days ordinary leave to the convict prisoner namely Prabhu,



W.P.No.6203 of 2024

WEB COPY

S/o.Rathinasamy, aged about 48 years, Convict No.23021, confined at Central Prison, Coimbatore, “*without escort*” commencing from 27.03.2024 to 16.04.2024, with a further condition that he shall report before the jurisdictional Police i.e. Mangalam Police Station, Tiruppur District, twice a week on Tuesdays and Fridays at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 17.04.2024 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.

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

[M.S.R., J]

[S.M., J]

22.03.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

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Note: Issue Order Copy on 26.03.2024.



W.P.No.6203 of 2024

WEB COPY

To

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Chennai – 600 009.

2.The Deputy General of Prison (DIG),
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Coimbatore – 632 002.

3.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 607 401.

4.The Public Prosecutor,
High Court, Madras.



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W.P.No.6203 of 2024

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