



W.P.No.6105 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.6105 of 2024

Mageshwari

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison and Correctional Service,
Prison Head Quarters,
Egmore, Chennai – 600 008.

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

... Respondents

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 ordinary leave for 28 days by considering the representation of the petitioner dated 09.02.2024 for her son namely Babu @ Boopathi Pushparaj, S/o.Gnanasekar, aged about 34 years, Convict Prisoner,



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Central Prison, Salem.

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

ORDER

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

To the petitioner's request for grant of ordinary leave to her son namely Babu @ Boopathi Pushparaj, S/o.Gnanasekar, aged about 34 years, who is a convict prisoner, the Probation Officer, through his report dated 20.03.2024, has favourably recommended for grant of leave with escort.

2. Heard the learned counsel for the petitioner, as well as for the learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioner submitted that the



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petitioner's husband is having kidney ailment, for which the convict prisoner's presence is required to make arrangements for medical expense of his father and the livelihood of his parents. If the petitioner's son is granted leave with escort, serious prejudice would be caused owing to the presence of the escort at her residence.

4. It is seen that no reason has been assigned by the Probation Officer in his report dated 20.03.2024, as to why escort is necessary for grant of leave. We have also taken into consideration that the convict prisoner is in prison for the past 9 years. This apart, it is also stated by the learned counsel for the petitioner that there is neither any threat to the life and liberty of the petitioner's son nor any such threat anticipated from his side.

5. In view of the favourable report of the Probation Officer and in the absence of any reasons for grant of any escort, we are inclined to modify the recommendation of the Probation Officer dated 20.03.2024 insofar as the requirement of escort is concerned.



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6. Accordingly, there shall be a direction to the respondents herein, to grant 28 days ordinary leave to the convict prisoner namely Babu @ Boopathi Pushparaj, S/o.Gnanasekar, aged about 34 years, “*without escort*” commencing from 27.03.2024 to 23.04.2024, with a further condition that he shall report before the jurisdictional Police i.e. Kannagkurichi Police Station, Salem 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 24.04.2024 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.

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

[M.S.R., J]

[S.M., J]

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Index: Yes/No

Speaking/Non-speaking order

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WEB COPY **Note: Issue Order Copy on 26.03.2024.**



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To

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison and Correctional Service,
Prison Head Quarters,
Egmore, Chennai – 600 008.

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

3.The Public Prosecutor,
High Court, Madras.



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