



WEB COPY



W.P.No.6173 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.6173 of 2024

Mrs.Kavitha

... Petitioner

Vs.

1.The State by its,
The Home Secretary (Prison Department),
St.George Fort, Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Chennai Range, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Puzhal - I,
Thiruvallur District – 600 066.

... 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 30 days ordinary leave without escort to the husband of petitioner/convict namely Ganesh Kumar, S/o.Sivaraj, by considering petitioner's representation dated 13.02.2024.



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For Petitioner : Mr.M.Mohamed Saifulla
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 husband namely Ganesh Kumar, S/o.Sivaraj, 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 petitioner is having two daughters aged about 6 years and 2 years and she is unable to manage the family expenses and educational expenses and



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therefore, she requires her husband's presence to make arrangements for their livelihood and educational expenses of her elder daughter. If the petitioner's husband 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 2 years and that his daughters are very young. 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 husband 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 order passed by the Probation Officer dated 20.03.2024 insofar as it orders for escort.



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6. Accordingly, there shall be a direction to the respondents herein, to grant 21 days ordinary leave to the convict prisoner namely Ganesh Kumar, S/o.Sivaraj, ***“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. Ayanavaram Police Station, Chennai, once a week on every Tuesday 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.

7. 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

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Note: Issue Order Copy on 26.03.2024.



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To

1.The Home Secretary (Prison Department),
St.George Fort, Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Chennai Range, Gandhi Irwin Road,
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3.The Superintendent of Prison,
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4.The Public Prosecutor,
High Court, Madras.



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