



WEB COPY



W.P.No.6715 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.6715 of 2024

Mumthaj

...Petitioner/wife of the detenue

VS.

The State represented by its,

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

2.The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal.

3.The Superintendent,
Puzhal Central Prison,
Puzhal.

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to grant ordinary leave for one month without escort to the detenue, Yuvaraj, S/o.Haridoss, aged about 36 years, Convict Prisoner, bearing Convict No.6331, confined at Central Prison, Puzhal.

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 direct the respondents to grant ordinary leave for one month, without escort, to the petitioner's husband / detenue viz., Yuvaraj, S/o.Haridoss, aged about 36 years, Convict Prisoner, bearing Convict No.6331, confined at Central Prison, Puzhal.

2.Heard the learned counsel on either side and perused the documents.



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3. On the grounds that the presence of the petitioner's husband is required to make financial arrangements to perform surgery on the eye of her mother-in-law, and that, since the petitioner's house is in a dilapidated condition, repairing the same could not be done in the absence of the her husband, the petitioner herein seeks for grant of ordinary leave for a period of one month.

4.The Probation Officer, in his report dated 23.03.2024 has confirmed that the petitioner's mother-in-law requires surgery on her eye and that the prisoner's presence is required to repair the house of the petitioner and has accordingly recommended for grant of leave.

5. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the petitioner herein.



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6. At this juncture, learned Additional Public Prosecutor submitted that the petitioner is otherwise eligible to avail 21 days of ordinary leave.

7. Accordingly, the convict prisoner viz., Yuvaraj, S/o. Haridoss, aged about 36 years, bearing Convict No. 6331, confined at Central Prison, Puzhal, is hereby granted ordinary leave for a period of 21 days, without escort commencing from 03.04.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Yuvaraj, S/o. Haridoss, aged about 36 years, on Ordinary Leave for a period of 21 days i.e., from 03.04.2024 to 23.04.2024.

(ii) The Convict Prisoner shall be released on 03.04.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Puzhal, Chennai, on 23.04.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Sevapettai Police Station, Thiruvallur District, twice a week i.e., on every Monday and Thursday at 05.00 pm, during the period of leave.



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(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.

8. Accordingly, the writ petition stands allowed.

(M.S.R.,J.) (S.M.,J.)
01.04.2024

Note to Registry:

1.Issue order copy by 02.04.2024.

2.Upload the order copy forthwith.

Anu

To

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

2.The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal.



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M.S.RAMESH, J
and

SUNDER MOHAN, J

Anu

3.The Superintendent,
Puzhal Central Prison,
Puzhal.

4.The Inspector of Police,
Sevapettai Police Station,
Thiruvallur District.

5.The Public Prosecutor,
High Court, Madras.

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