



W.P.No.8513 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM :

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

W.P.No.8513 of 2024

Pushpa

...Petitioner

vs.

1.The Secretary,
Home Department,
Prison Section – IV,
Government of Tamil Nadu,
Secretariat St.George Fort,
Chepauk,
Chennai.

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

3. The Superintendent of Prison,
Central Prison,
Coimbatore.

...Respondents



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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 relating to the proceedings of the 3rd respondent herein vide No.2624/Tha.Ka 3/2023 dated 01.03.2024 and quash the same consequently direct the third respondent to grant special leave without police escort to the petitioner's son Balachandran @ Balu S/o. Palanisami (C.T.No.24790) who is confined in Central Prison, Coimbatore for a period of one month.

For Petitioner :: Mr.M.Rajkumar

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.***)

The prayer in the present writ petition is for the grant of special leave for a period of one month to the petitioner's son/Convict Prisoner viz., Balachandran @ Balu S/o. Palanisami (CT.No.24790) who is confined in Central Prison Coimbatore.

2. The petitioner's son is said to have completed 09 months of the



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sentence of imprisonment. Under Rule 22 of the Tamil Nadu Suspension of Sentence Rules, the prisoner requires to undergo at least one year of imprisonment in order to become eligible for grant of ordinary leave. In the said case, the total sentence imposed on the prisoner is two years and hence, he would be ineligible under Rule 22 of the Tamil Nadu Suspension of Sentence Rules. However, Mr.M.Rajkumar, the learned counsel for the petitioner submits that the Trial Court while sentencing him to two years of imprisonment, had also imposed fine of Rs.18,00,000/- (Rupees Eighteen Lakhs Only) and since the prisoner intends to sell his immovable property for the purpose of paying the fine, his presence outside the prison is imminent.

3. Mr.E.Raj Thilak, the learned Additional Public Prosecutor produced the copy of the Probation Officer's report dated 17.04.2024, in which it is admitted that the petitioner was not able to sell her son's property to pay the fine as it is mortgaged by her son/convict prisoner, hence his presence is required. The learned Additional Public Prosecutor also submitted that during the period of imprisonment, the prisoner has not



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availed any other leave.

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4. In this background, we are in agreement with the reason adduced by the prisoner and thus, in exercise of our powers under Article 226 of the Constitution of India, we are of the view that the petitioner's representation may be considered.

5. Accordingly, this writ petition is allowed and the petitioner's son/Convict prisoner i.e., Balachandran @ Balu S/o. Palanisami (CT.No.24790), confined at Central Prison, Coimbatore to avail Ordinary Leave for a period of ten (10) days without escort, on the following conditions.

(i) Respondents are directed to release the Prisoner viz., Balachandran @ Balu S/o. Palanisami (CT.No.24790), confined at Central Prison, Coimbatore, on Ordinary Leave for a period of 10 days i.e., from 24.04.2024 to 03.05.2024.

(ii) The Prisoner shall be released on 24.04.2024 at 10.00 a.m. and surrender before the Superintendent of Prisons, Central Prison Coimbatore, on 03.05.2024 at 05.30 p.m.



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(iii) The Prisoner is directed to report before the Inspector of Police, Perumanallur Police Station, Tiruppur District, daily at 05.00 p.m., during the period of leave.

(iv) The Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

6. With the above directions, the Writ Petition stands allowed.

(M.S.R.,J.) (S.M.,J.)
18.04.2024
(1/2)

Index : Yes / No
Speaking / Non-Speaking Order
Neutral Citation : Yes / No
dk

Note to Registry:

1. Issue order copy by 23.04.2024
2. Upload the order forthwith



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Copy to:-

1. The Secretary,
Home Department,
Prison Section – IV,
Government of Tamil Nadu,
Secretariat St. George Fort,
Chepauk,
Chennai.
2. The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore.
3. The Superintendent of Prison,
Central Prison,
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AND

SUNDER MOHAN,J.

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