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W.P.No.8949 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.8949 of 2024

Sivasakthi

...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,
Chennai Puzhal Range,
Velangks Road, Egmore,
Chennai-600 008.

3.The Superintendent,
Puzhal Central Prison (1),
Chennai-600 066.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,



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praying for issuance of a Writ of Mandamus, to direct the respondents to grant ordinary leave for 30 days without escort to the detenue, Rajendran, S/o.Gurusamy, aged about 47 years, Convict No.9330, confined at Puzhal Central Prison, Chennai.

For Petitioner : Mr.S.Manoharan
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.**)

Since the petitioner's request for the grant of ordinary leave to her husband, convict prisoner viz., Rajendran, S/o.Gurusamy, aged about 47 years, Convict No.9330, confined at Puzhal Central Prison, Chennai, was not considered within a reasonable time, the present Writ Petition has been filed.

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



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documents.

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3.On the ground that the prisoner's presence is required for his son to arrange funds for his college fees and that the prisoner's wife has certain medical ailments, the petitioner seeks ordinary leave of 30 days for her husband.

4.The Probation Officer has filed his report dated 04.04.2024, wherein he has favourably recommended for grant of leave with escort. However, in the said report, no reasons has been assigned as to why escort has to be provided.

5.Learned counsel for the petitioner submitted that if the leave is granted with escort, serious prejudice would be caused to the petitioner's family. Hence, he prayed for grant of ordinary leave without escort.

6. We are of the view that instead of escort being provided during the



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period of leave if the prisoner is directed to report before the concerned jurisdictional police periodically, the grievance of both the petitioner as well as the respondents can be redressed. Accordingly, the respondents herein are ordered to grant leave to the petitioner's husband, convict prisoner viz., Rajendran, S/o.Gurusamy, aged about 47 years, Convict No.9330, confined at Puzhal Central Prison, Chennai, for a period of 21 days without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Rajendran, S/o.Gurusamy, aged about 47 years, Convict No.9330, on Ordinary Leave for a period of 21 days i.e., from 22.04.2024 to 12.05.2024.

(ii) The Convict Prisoner shall be released on 22.04.2024 at 10.00 am and surrender before the Superintendent of Prison, Puzhal Central Prison (1), Chennai on 12.05.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Royapuram Police Station, Chennai, 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.

7. With the above directions, the writ petition stands allowed.

(M.S.R.,J.) (S.M.,J.)
17.04.2024

Note to Registry:

1.Issue order copy by 18.04.2024.

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,
Chennai Puzhal Range,
Velangks Road, Egmore,
Chennai-600 008.

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



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3. The Superintendent,
Puzhal Central Prison (1),
Chennai-600 066.

4. The Inspector of Police,
Royapuram Police Station,
Chennai.

5. The Public Prosecutor,
High Court, Madras.

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