



W.P.No.9081 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.9081 of 2024

S.Amaravathi

...Petitioner

VS.

1.The Secretary to Government,
Home Department,
Secretariat,
Fort St.George,
Chennai – 600 009.

2. The Director General of Police and
Director General of Jails,
Egmore,
Chennai – 600 008.

3.The Superintendent of Prisons
Central Prison – 1,
Puzhal, Chennai – 600 066.

...Respondents



W.P.No.9081 of 2024

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, and directing the 3rd respondent to consider the petitioner's representation dated 05.03.2024 and direct the 3rd respondent to grant parole leave for a period of one month to the prisoner confined at Central Prison, Puzhal – I, Chennai – 600 066.

For Petitioner :: Ms.S.Sujatha
For Respondents :: Mr.E.Raj Thilak
 Additional Public Prosecutor
 Assisted by
 Mr.C.Aravind

ORDER

(Order of the Court was made by SUNDER MOHAN,J.)

The prayer in the present writ petition is for grant of ordinary leave for a period of one month for the petitioner's husband viz.,Mr.Selvam S/o.Duraikannu, Convict Prisoner, (CT No-2627) who is confining at Central Prison, Puzhal – I, Chennai – 600 066.

2. In the affidavit filed in support of the present writ petition, it is stated that the leave is required to arrange funds for medical expenses of the petitioner/wife of the Convict Prisoner and to look after the petitioner.

3. Mr.E.Raj Thilak, the learned Additional Public Prosecutor



W.P.No.9081 of 2024

produced the Probation Officer's report dated 28.03.2024 and submitted that the prisoner had absconded once when he came on emergency leave during 2010; that he committed the offence under Section 380 of the Indian Penal Code, while he was on bail; and that the Probation Officer has not recommended the grant of ordinary leave to the petitioner's husband/Convict Prisoner. On instructions, the learned Additional Public Prosecutor, submitted that the Convict Prisoner is otherwise eligible for 40 days of ordinary leave.

4. The petitioner has furnished the details of the treatment taken by her and also had enclosed the medical reports to confirm the same.

5. We are convinced with the reason that the Convict Prisoner's presence is required for assisting the petitioner. Though the Convict Prisoner had absconded once in the year 2010 and committed the offence of theft in the year 2017, considering the fact that six years have elapsed and the Convict Prisoner is otherwise entitled to ordinary leave, we are inclined to grant ordinary leave to the Convict Prisoner in exercise of our powers under



W.P.No.9081 of 2024

Article 226 of the Constitution of India.

WEB COPY

5. Accordingly, we permit the petitioner's husband/Convict Prisoner namely Mr.Selvam S/o.Duraikannu, bearing convict no.2627, confined at Central Prison, Puzhal – I, Chennai – 600 066, to avail Ordinary Leave for a period of 21 days “**without escort**”, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner namely Mr.Selvam S/o.Duraikannu, bearing Convict No.2627, confined at Central Prison, Puzhal – I, Chennai – 600 066, on Ordinary Leave for a period of 21 days i.e., from 25.04.2024 to 15.05.2024.

(ii) The Convict Prisoner shall be released on 25.04.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Central Prison Puzhal - I, Chennai – 600 066, on 15.05.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the V1 - Villivakkam Police Station, Chennai, daily at 05.00 p.m., during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for



WEB COPY



W.P.No.9081 of 2024

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.)

18.04.2024

Speaking / Non-Speaking Order

Neutral Citation : Yes / No

dk

Note to Registry:

1.Issue order copy by 24.04.2024.

2.Upload the order copy forthwith.

Copy to:-

Page 5 of 7



W.P.No.9081 of 2024

WEB COPY

1. The Secretary to Government,
Home Department,
Secretariat,
Fort St. George,
Chennai – 600 009.
2. The Director General of Police and
Director General of Jails,
Egmore,
Chennai – 600 008.
3. The Superintendent of Prisons
Central Prison – 1,
Puzhal, Chennai – 600 066.
4. The Public Prosecutor
High Court, Madras.



WEB COPY



W.P.No.9081 of 2024

M.S.RAMESH,J.

AND

SUNDER MOHAN,J.

dk

W.P.No.9081 of 2024

18.04.2024