



W.P.No.9265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Santhiya

... Petitioner

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 600 066

3.The Superintendent
Puzhal Central Prison
Puzhal 600 066

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, direct the respondents to



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grant ordinary leave for 60 days without escort to the detenu, Sambath, S/o.Panner Selvam aged about 60 years, bearing confined at Central Prison, Puzhal.

For Petitioner : Mr.M.Ezhilarasu
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
Assisted by Mr.C.Aravind

ORDER

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

The petitioner herein, is the convict prisoner. He was convicted for the offences under Section 302 364, 365, 347, 387, 201 I.P.C. and was sentenced to undergo 1/ 10 / 7 / 3 / 7 / 7 years of Rigorous imprisonment respectively by the learned Additional District and Sessions Judge, Fast Track Court, No.1, Chennai in S.C.No.87 of 2003 dated 19.04.2004. Thereafter, the petitioner filed an appeal in Crl.A.No.698, 716 and 781 of 2018 and his conviction and sentence was confirmed, and also filed CA.No.828 of 2013 dated 20.12.2021 before the Hon'ble Supreme Court, which was also confirmed.



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2. The learned counsel for the petitioner submitted that the petitioner has already undergone 18 years 05 months and 21 days of imprisonment. He would further submit that the wife of the detenu is suffering from uterus pain and she wants the presence of her husband while getting treatment from Kerala in this regard. He would further submit that the siblings of the detenu also want to divide their ancestral property, for which the presence of the detenu is very much required. Seeking for 60 days leave to be with his wife and to make arrangement for the partition of the property, the petitioner had given a representation on 15.03.2024. Since the same has not been considered till date, the present Writ Petition has been filed.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer, Chennai, dated 20.04.2024, which is in favour of the convict prisoner. However, the learned Additional Public Prosecutor submitted that the convict prisoner will have to report before P1, Pulianthope Police Station, Chennai.



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4. In view of the above facts and circumstances, we are inclined to consider the prayer sought for in this Writ Petition on certain conditions.

5. Accordingly, the respondents herein, are directed to grant 40 days ordinary leave ***“without escort”*** to the petitioner/convict prisoner namely Sambath, S/o.Panner Selvam, aged 60 years, Convict No.2008, commencing from 05.05.2024 to 13.06.2024, with a condition that the petitioner/convict prisoner shall execute a bond for a sum of Rs.25,000/-, with two blood sureties, each for a like sum to the satisfaction of the Deputy Inspector General of Prison, Puzhal Rage, Puzhal, Chennai – 600 066. During the period of leave, the convict prisoner shall report before the jurisdictional Police i.e. P1, Pulianthope Police Station, Chennai, twice a week on Tuesdays and Fridays at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 14.06.2024 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.



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costs.

6. With the above direction, the Writ Petition stands allowed. No

7. Post the matter 'for reporting compliance' on 25.06.2024.

[M.S.R., J]

[S.M., J]

26.04.2024

Index: Yes/No
Neutral Citation

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Note: Issue Order Copy on 30.04.2024

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 600 066



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3.The Superintendent
Puzhal Central Prison
Puzhal 600 066

4.The Public Prosecutor
High Court of Madras
Chennai 600 104

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