



W.P.No.9676 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Mariyaselvam

... Petitioner

Vs.

The State rep. 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, directing the respondents to grant ordinary leave for 1 month without escort to the detenu, George, S/o.Sebastian, aged about 45 years, confined at Central Prison, Puzhal.



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For Petitioner : Mr.P.Bakiyaraj
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

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

On the ground that the petitioner requires the presence of her husband/convict prisoner for making financial arrangements for family expenses, as well as the petitioner's medical expenses, she sought leave for her husband. The convict prisoner was convicted for the offence under Section 366 of IPC and Section 5 of POCSO Act and was sentenced to undergo 10 & 7 years of imprisonment respectively, by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in S.C.No.432 of 2018 dated 23.05.2022. The petitioner had also given a representation on 18.03.2024, seeking leave for her husband. Since the same has not been considered till date, the petitioner has filed the present Writ Petition.



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2. The learned counsel for the petitioner submitted that the convict prisoner has served more than two years of imprisonment without any leave.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 20.04.2024, who has favourably recommended to grant leave to the prisoner.

4. By taking into consideration the reason assigned by the petitioner in the affidavit filed in support of this Writ Petition, as well as the report of the Probation Officer dated 20.04.2024, we are inclined to grant 21 days of ordinary to the petitioner's husband/convict prisoner.

5. Accordingly, the convict prisoner namely George, S/o.Sebastian, aged about 45 years, Convict No.8971, shall be granted 21 days ordinary leave ***“without escort”*** commencing from 30.04.2024 to 20.05.2024, with a condition that he shall report before the jurisdictional Police i.e.



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P-3, Vyasarpadi 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 21.05.2024 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.

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

[M.S.R., J]

[S.M., J]

25.04.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No

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Note: Issue Order Copy on 29.04.2024



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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.

3.The Superintendent,
Puzhal Central Prison,
Puzhal – 600 066.

4.The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.

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