



W.P.No.9618 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

W.P.No.9618 of 2024

Amul

... Petitioner

Vs.

The State rep. by its,
1.The Deputy Inspector General of Prison,
Gandhi Irvin Road, Egmore,
Chennai – 600 008.

2.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 30 days without escort to the detenu, Karthick, S/o.Muniyandi, aged about 33 years, bearing Convict No.8816, confined at Central Prison, Puzhal.



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For Petitioner : Ms.S.Sadhana
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

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

This Writ Petition has been filed seeking for a direction to the respondents to grant ordinary leave to the petitioner's son/life convict.

2. The petitioner states that her son was convicted for the offence under Sections 302 & 380 of IPC and was sentenced to undergo life imprisonment by the learned Sessions Judge, Magalir Neethimandram, Allikulam, Chennai, in SC.No.106 of 2018 on 03.03.2022. The petitioner further states that she is suffering from heart disease and brain tumor but she does not have money for her medical treatment and that she requires her son's presence for arranging money for her medical expenses and to take care of her. She has also given a representation to the respondents in this regard on 13.03.2024. Since the same has not been considered till



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date, the present Writ Petition has been filed seeking to grant leave to her son.

3. The learned counsel for the petitioner submitted that the life convict has served more than two years of imprisonment.

4. The learned Additional Public Prosecutor submitted that as per Rule 22(c) of the Tamil Nadu Suspension of Sentence Rules, 1982, the petitioner's son is not eligible for ordinary leave, as he has not completed 3 years of imprisonment. However, a report of the Probation Officer dated 20.04.2024 produced by the learned Additional Public Prosecutor states that the reason assigned by the petitioner, requesting to grant leave to her son, is genuine and therefore, he positively recommends for grant of leave to the petitioner's son.

5. By taking into consideration the reasons assigned in the affidavit filed in support of this Writ Petition, as well as the report of the Probation Officer, recommending to grant leave to the petitioner's son, we are of the view that the petitioner's request for grant of ordinary leave to her son



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could be restricted for a period of 10 days, in exercise of our powers under Article 226 of the Constitution of India.

6. Accordingly, the life convict namely Karthick, S/o.Muniyandi, aged about 33 years, Convict No.8816, shall be granted 10 days ordinary leave **“without escort”** commencing from 30.04.2024 to 09.05.2024, with a condition that he shall report before the jurisdictional Police i.e. Permabur Police Station, Chennai, twice a week on Tuesdays and Fridays at 10.30 am. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 10.05.2024 before 10.00 a.m. The life convict shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

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

[M.S.R., J]

[S.M., J]

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Index: Yes/No

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Note: Issue Order Copy on 29.04.2024



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To

1.The Deputy Inspector General of Prison,
Gandhi Irvin Road, Egmore,
Chennai – 600 008.

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

3.The Public Prosecutor,
High Court, Madras.



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