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W.P.No.9978 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.9978 of 2024

Kathir

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison-1,
Puzhal, Chennai – 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 21 days by considering the representation of the petitioner dated 19.03.2024 namely Kathir, S/o.Pazhani, aged about 32 years, Convict Prisoner, Convict No.9397, Central Prison, Puzhal.

For Petitioner

: Mrs.S.Nadhiya



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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's family is struggling for their day-to-day expenses and that they need his presence for making livelihood arrangements, the petitioner has sought for ordinary leave. The petitioner was convicted for the offence under Section 6 of POCSO Act and was sentenced to undergo 10 years imprisonment by this Court in CrI.A.No.288 of 2021 dated 10.10.2022. The petitioner has given a representation on 19.03.2024, seeking for ordinary leave. Since the same was rejected, the petitioner has filed the present Writ Petition.

2. The learned counsel for the petitioner submitted that the convict prisoner has undergone 1 year 7 months of imprisonment.

3. The learned Additional Public Prosecutor has produced the



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performa of the convict prisoner, which states that since the prisoner has not completed 2 years of imprisonment, he is not eligible for grant of leave. The learned Additional Public Prosecutor has also produced a report of the Probation Officer dated 23.04.2024, which states that as per Ordinance No.205 Home (Prisons – V) Department dated 25.04.2022, the convict prisoner is ineligible for grant of 21 days leave since he has not completed 2 years of imprisonment and hence, he does not recommend to grant leave to the convict prisoner.

4. Though the convict prisoner is ineligible for grant of leave and the Probation Officer also did not recommend granting leave to the convict prisoner, considering the family condition of the convict prisoner, we are inclined to grant 15 days of ordinary leave to the petitioner/convict prisoner.

5. Accordingly, the petitioner/convict prisoner namely Kathir, S/o.Pazhani, aged about 32 years, Convict No.9397, shall be granted 15 days ordinary leave **“without escort”** commencing from 12.06.2024 to



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26.06.2024, with a condition that he shall report before the jurisdictional Police i.e. Ambattur Police Station, Chennai, twice a week on Fridays and Tuesdays at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 27.06.2024 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.

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

[M.S.R., J]

[S.M., J]

07.06.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

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Note: Issue Order Copy on 11.06.2024



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To

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2.The Superintendent of Prison,
Central Prison-1,
Puzhal, Chennai – 600 066.

3.The Public Prosecutor,
High Court, Madras.



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