



W.P.No.9921 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.9921 of 2024

Sathayakala

... Petitioner

Vs.

1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.

2.The Superintendent,
Central Prison,
Coimbatore – 641 018.

... 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, Sakthivel, S/o.Rajan, aged about 31 years, bearing Convict No.20461, confined at Central Prison, Coimbatore.

For Petitioner

: Mr.S.Pandiyan



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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 needs her brother/life convict's presence for partition of the property which is in the name of their parents and for making livelihood arrangements with that, the petitioner has sought for ordinary leave for her brother. The petitioner's brother was convicted for the offences under Section 449 of IPC and was sentenced to undergo 10 years imprisonment; under Section 302 IPC, he was sentenced to undergo life imprisonment and under Section 506 of IPC, he was sentenced to undergo 2 years imprisonment by the learned Bomb Blast Cases, Special Sessions Court at Coimbatore in S.C.No.42 of 2016 dated 24.08.2017. The petitioner has given a representation on 25.03.2024, seeking ordinary leave for her brother. 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 life convict has served nearly 8 years of imprisonment.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 07.05.2024 and the Probation Officer has favourably recommended for grant of leave to the petitioner's brother/life convict.

4. By taking into consideration the reason 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 brother/life convict, we are inclined to grant 28 days of ordinary to the petitioner's brother/life convict.

5. Accordingly, the petitioner's brother/life convict namely Sakthivel, S/o.Rajan, aged about 31 years, shall be granted 28 days ordinary leave ***“without escort”*** commencing from 13.06.2024 to



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10.07.2024, with a condition that he shall report before the jurisdictional Police i.e. Sulur Police Station, Coimbatore District, twice a week on Saturdays and Wednesdays at 10.30 am. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 11.07.2024 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]

06.06.2024

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

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Note: Issue Order Copy on 12.06.2024



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To

1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.

2.The Superintendent,
Central Prison,
Coimbatore – 641 018.

3.The Public Prosecutor,
High Court, Madras.



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