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W.P.No.10384 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

**THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

W.P.No.10384 of 2024

Banumathi

...Petitioner

Vs.

1.The Union rep by its,
Rep by its the Chief Secretary,
Secretariat, Puducherry – 605 001.

2.The Chief Superintendent of Jails,
Mathur road, Kalapet,
Puducherry – 605 014.

3.The Superintendent of Prison,
Central Prison at Kalapet,
Mathur Road, Kalapet,
Puducherry – 605 014.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to the respondents to grant 30 days Ordinary leave without escort to the husband of the petitioner namely Mr.Karnan @ Manoharan S/o. Subramani, Convict No.0075, by considering petitioner's representation dated 26.03.2024.



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For Petitioner :: Mr.M.Mohamed Saifulla
for Mr.R.Thamarai Selvan

For Respondents :: Mr.C.V.Ramachandramoorthy
Spl.Public Prosecutor (Puducherry)

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

This writ petition has been filed to direct the respondents to grant 30 days ordinary leave without escort to the husband of the petitioner, namely Mr.Karnan @ Manoharan S/o.Subramani, Convict No.0075, by considering petitioner's representation dated 26.03.2024.

2. According to the petitioner, her son's marriage is to be Periyakanni Kovil, Pudhucherry and the prisoner, being the father of the bridegroom, is required to be physically present for support.

3. The learned Special Public Prosecutor submitted that under the Puducherry Prison Rules, the prisoner would be eligible for grant of third spell of leave only after 11.04.2024, which is after 3 years from the date of his last return from leave.

4. The last ordinary leave granted to the petitioner's husband was



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in the month of April, 2022 for 10 days. Thereafter, he has not come out of ordinary leave for the past 2 years. The marriage fixed for the petitioner's son is not disputed by the respondents. Being the father of the bridegroom, we are of the view that his presence in the marriage may be significant to provide psychological and moral support to the family and hence, we are inclined to invoke our powers under Article 226 of the Constitution of India and grant 20 days of ordinary leave to the petitioner's husband.

5. Accordingly, we permit the petitioner's husband/Convict Prisoner namely Mr.Karnan @ Manoharan S/o.Subramani, bearing Convict No.0075, confined at Puducherry Central Prison at Kalapet, to avail ordinary leave for a period of 20 days without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner namely Mr.Karnan @ Manoharan S/o.Subramani, bearing Convict No.0075, confined at Puducherry Central Prison at Kalapet, on ordinary leave for a period of 20 days i.e., from 20.04.2024 to 09.05.2024.

(ii) The Convict Prisoner shall be released on



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20.04.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Central Prison Puducherry, Kalapet, on 09.05.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Mudhaliyarpur Police Station, Puducherry, twice a week i.e., Monday and Thursday at 05.00 p.m during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

6. With the above directions, the writ petition stands allowed. No costs.

(M.S.R.,J.) (S.M.,J.)
18.04.2024

Neutral Citation: Yes/No
Speaking order/Non-Speaking order
dk/hvk
Note: Issue order copy on 18.04.2024



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WEB COPY to:-

- 1.The Chief Secretary,
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- 2.The Chief Superintendent of Jails,
Mathur road, Kalapet,
Puducherry – 605 014.
- 3.The Superintendent of Prison,
Central Prison at Kalapet,
Mathur Road, Kalapet,
Puducherry – 605 014.
- 4.The Public Prosecutor,
Puducherry.



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

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