



W.P.No.10306 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.10306 of 2024

Elavendhan

... Petitioner

Vs.

1.The Additional Director General of Prisons,
Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison, Trichy.

... 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 release Rathinam (Convict Prisoner No.20221), S/o.Rengasamy, on parole for a period of 30 days.

For Petitioner : Mr.A.S.Aswin Prasanna

For Respondents : Mr.M.Babu Muthumeeran,
Additional Public Prosecutor



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ORDER

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

On the ground that the petitioner's grandfather/life convict is aged about 84 years due to which, he is suffering from various ailments and that the petitioner's grandmother is also suffering from throat cancer, the petitioner has sought leave for his grandfather. The petitioner's grandfather was convicted for the offence under Section 302 of IPC and was sentenced to undergo life imprisonment by the learned Sessions Judge, Thiruvavur, in S.C.No.14 of 2008 dated 30.08.2013. Thereafter, the petitioner's grandfather filed an appeal in CA.No.608 of 2013 and through an order dated 30.09.2016, the same came to be dismissed. Quoting the aforesaid reasons, the petitioner had given a representation to the respondents on 22.03.2024, seeking leave for his grandfather. 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 more than seven years of imprisonment.

3. The learned Additional Public Prosecutor has produced the particulars of the life convict, which states that since the appeal filed by the life convict is pending before the Supreme Court, he is not eligible for grant of leave. The learned Additional Public Prosecutor has also produced a report of the Probation Officer dated 15.04.2024, which states that the reason assigned by the life convict's family for grant of leave is genuine and hence, he has recommended to grant leave to the life convict.

4. 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 grandfather, we are inclined to grant 28 days of ordinary to the



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petitioner's grandfather/life convict.

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5. Accordingly, the life convict namely Rathinam, S/o.Rengasamy, Convict No.20221, shall be granted 28 days ordinary leave “*without escort*” commencing from 01.05.2024 to 28.05.2024, with a condition that he shall report before the jurisdictional Police i.e. Paravakottai Police Station, Thiruvarur District, twice a week on Wednesdays and Saturdays at 10.30 am. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 29.05.2024 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]

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

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Note: Issue Order Copy on 30.04.2024

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To

1.The Additional Director General of Prisons,
Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison,
Trichy.

3.The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.

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