



W.P. No.10657 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P. No.10657 of 2024

Sarojini

...Petitioner

Vs.

1.Superintendent
Central Prison – I, Puzhal,
Chennai.

2.Union rep. by
Intelligence Officer
Directorate of Revenue Intelligence
27, GN Chetty Road,
T.Nagar, Chennai – 600 017.
(RR.No.17 of 2018)

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ or direction or any other writ in nature of Writ of Mandamus, directing the first respondent to consider the representation dated 03.04.2024 and to grant ordinary leave for one month to Manikandan S/o.Mayilravan, Convict Prisoner No.10191.

For Petitioner : Mr.G.Sriram



WEB COPY



W.P. No.10657 of 2024

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor for R1

Mr.V.Sundareswaran
Special Public Prosecutor for R2

ORDER

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

This writ petition has been filed for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 03.04.2024, seeking one month leave, for her husband/convict prisoner, viz., Mr.Manikandan S/o.Mayilravanan, Convict Prisoner No.10191, who is now confined at Central Prison- I, Puzhal.

2. The petitioner's husband viz., Mr.Manikandan S/o.Mayilravanan is a convict prisoner, who has been convicted and sentenced to undergo 10 years imprisonment by the I Additional Special Court for Exclusive Trial of Cases under NDPS, Act, Chennai in C.C.No.86 of 2018. The petitioner sought for ordinary leave on the ground that the presence of the petitioner's husband is required to make financial arrangements and to repay a loan obtained by the petitioner. However, the said representation dated 03.04.2024 was not considered by the authorities and hence, the present Writ Petition.



W.P. No.10657 of 2024

WEB COPY 3. The learned Additional Public Prosecutor, on instructions, submitted that in view of the provisions under the Tamil Nadu Suspension of Sentence Rule, which bars grant of parole to heinous offences, the respondents cannot consider the petitioner's request for leave. This apart, the Probation Officer has also not recommended the grant of leave to the prisoner.

4. Learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court in the case of ***Dadu Alias Tulsidas vs. State of Maharashtra*** reported in ***(2000) 8 Supreme Court Cases 437*** in support of his submission that Section 32-A of NDPS Act would not affect the powers of the authorities to grant parole. Considering the said decision, a Coordinate Bench of this Court in W.P. No.22285 of 2023, had granted leave to the convict prisoner in exercise of powers under Article 226 of the Constitution of India.

5. On a perusal of the records, we are of the view that though the Probation Officer has not positively recommended for grant of leave to the prisoner, no reason has been assigned by him for not accepting the reason given by the



W.P. No.10657 of 2024

prisoner seeking for ordinary leave on the ground that the presence of the prisoner is required to make financial arrangements and to repay the loan amount. As such, we are inclined to grant ordinary leave for a period of 15 days, without escort subject to the usual conditions that can be imposed by the respondents and this Writ Petition is ordered on the following terms:

(a) The convict prisoner shall be released from the prison at 10.00 a.m on 11.06.2024 and he shall return back to the prison at 06.00 p.m. on 25.06.2024.

(b) During the aforesaid leave period, the convict prisoner shall report before Pammal Police Station, Chennai, daily at 10.30 a.m.

6. Post the matter “For Reporting Compliance” on 27.06.2024.

(M.S.R., J.) (S.M., J.)
05.06.2024

dk

Internet : Yes

Index : Yes / No

Neutral Citation Case : Yes/No

Note : Issue order copy on 10.06.2024.



W.P. No.10657 of 2024

Copy to :-

- 1.The Superintendent
Central Prison – I, Puzhal,
Chennai.
- 2.The Intelligence Officer
Directorate of Revenue Intelligence
27, GN Chetty Road,
T.Nagar, Chennai – 600 017.
(RR.No.17 of 2018)
- 3.The Public Prosecutor
High Court, Madras.



WEB COPY



W.P. No.10657 of 2024

M.S.RAMESH, J.
and
SUNDER MOHAN, J.
dk

W.P. No.10657 of 2024

Dated: 05.06.2024