



W.P.No.10678 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.10678 of 2024

Shanthi

... Petitioner

Vs.

The State Represented by its

1.The Secretary to Government of Tamil Nadu
Home Department
Fort St. George
Chennai 600 009

2.The Deputy Inspector General of Prison (DIG)
Salem Range
Salem 636 008

3.The Superintendent
Central Prison
Salem 636 008

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, directing the respondents



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to grant leave for 30 days without escort, to the detenu Mohandass, S/o.Rajendran, aged about 29 years, Convict No.1062, confined at Central Prison, Salem.

For Petitioner : Ms.K.Akshaya

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
Assisted by Mr.C.Aravind

ORDER

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

This Writ Petition has been filed by the petitioner seeking for a direction, directing the respondents to grant 30 days leave without escort, to the detenu Mohandass, S/o.Rajendran, aged about 29 years, Convict No.1062, confined at Central Prison, Salem.

2. The petitioner's son / detenu's request for grant of ordinary leave has been rejected by the Probation Officer predominately on the ground that the petitioner's health condition is normal and that the prisoner's presence for arranging an alliance for his sister is not required, since the



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petitioner and her husband are already in search of an appropriate alliance to their daughter.

3.The learned counsel for the petitioner would submit that the detenu has already undergone 4 years 2 months and 4 days of imprisonment out of his total imprisonment and that he has not availed any leave till date.

4.It is not in dispute that the petitioner is making arrangements for finding a suitable alliance for her daughter and in the representation for grant of ordinary leave also, a similar reason has been assigned. As a brother, the detenu would have a responsibility for finding a suitable alliance for his sister and merely because the parents are finding an alliance, it cannot be quoted as a reason to reject the petitioner's request for grant of ordinary leave. Further more, this Court also takes into consideration that the petitioner's son has not been granted any leave for more than four years. Hence, this Court is inclined to accept the reason



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assigned by the petitioner for grant of ordinary leave.

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5. Accordingly, this petition stands allowed. Consequently, there shall be a direction to the respondents herein, to grant 30 days ordinary leave “*without escort*” to the convict viz. Mohandass, S/o.Rajendran, aged about 29 years, Convict No.1062, confined at Central Prison, Salem commencing from 10.06.2024 to 10.07.2024, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. Senthamangalam Police Station, Namakkal District, twice a week on Mondays and Thursdays at 10.30 a.m. 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. No costs.

[M.S.R., J]

[S.M., J]

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Index: Yes/No
Neutral Citation

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Note: Issue Order Copy on 07.06.2024

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To

- 1.The Secretary to Government of Tamil Nadu
Home Department
Fort St. George
Chennai 600 009
- 2.The Deputy Inspector General of Prison (DIG)
Salem Range
Salem 636 008
- 3.The Superintendent
Central Prison
Salem 636 008
- 4.The Public Prosecutor
High Court of Madras
Chennai 600 104



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