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W.P.No.11197 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.11197 of 2024

Valaramathi

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison and Correctional Service,
Prison Head Quarters,
Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondent to grant ordinary leave for 21 days by considering the representation of the petitioner dated 26.03.2024 for her son namely Pradeep @ Pradeepan @ Pradevan S/o.Dhanaraj aged about 32 years, Convict Prisoner, Central Prison, Puzhal.



W.P.No.11197 of 2024

WEB COPY

For Petitioner : M/s.S.Nadhiya
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 requires the presence of her son/convict prisoner for making financial arrangements for the medical treatment of her husband and for making livelihood arrangements for them, she sought leave for her son. The convict prisoner was convicted for the offences under Section 376(2)(j)(i) of IPC and was sentenced to undergo 10 years of imprisonment and to pay a fine of Rs.50,000/- and in default to undergo further period of three years Rigorous Imprisonment by the learned Sessions Judge, Mahila Court in SC.No.21 of 2016 on 19.12.2018. Challenging the same, the convict prisoner has filed an appeal in Crl.A.No.30 of 2022 before this Court. The petitioner had given a representation on 26.03.2024, seeking leave for her son. Since the same



W.P.No.11197 of 2024

has not been considered till date, the petitioner has filed the present Writ Petition.

WEB COPY

2. The learned counsel for the petitioner submitted that the convict prisoner has served more than five years in prison.

3. The learned Additional Public Prosecutor has produced the particulars of the convict prisoner which states that since the appeal of the convict prisoner is pending before this Court, he is not eligible for grant of leave. However, the report of the Probation Officer dated 29.04.2024 produced by the learned Additional Public Prosecutor recommends to grant leave to the convict prisoner.

4. By taking into consideration the report of the Probation Officer recommending grant of leave to the convict prisoner, as well the reasons stated in the affidavit filed in support of this Writ Petition, we are inclined to grant 21 days of ordinary leave to the petitioner's son/convict prisoner by invoking our powers under Article 226 of the Constitution of India.



W.P.No.11197 of 2024

WEB COPY

5. Accordingly, the convict prisoner namely Pradeep @ Pradeepan @ Pradeven, S/o.Dhanaraj, aged about 32 years, shall be granted 21 days ordinary leave **“without escort”** commencing from 20.06.2024 to 10.07.2024, with a condition that he shall report before the jurisdictional Police i.e. Lalkudi Police Station, Trichy, twice a week on Tuesdays and Fridays at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner 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]

12.06.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Tsg

Note: Issue Order Copy on 18.04.2024



W.P.No.11197 of 2024

WEB COPY

To

1.The Deputy Inspector General of Prisons,
Chennai Range,
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Prison Head Quarters,
Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai – 600 066.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.11197 of 2024

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W.P.No.11197 of 2024

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