



W.P.No.11052 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.11052 of 2024

S.Deepa

... Petitioner

Vs.

1.State by: The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The Director General of Police/
Inspector General of Prisons and correctional service,
Whannels Road,
Egmore, Chennai – 600 008.

3.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 respondents
to grant 21 days ordinary leave enabling the petitioner's husband



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Mr.Suresh S/o Raman, aged 36 years, Convict Prisoner, Central Prison,
Puzhal.

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.

The petitioner, who is the wife of the convict namely Mr.Suresh S/o Raman, aged about 36 years, now confined in Central Prison, Puzhal, has come forward with this petition, seeking for grant of 21 days ordinary leave to her husband.

2. The case of the petitioner is that her husband is a convict prisoner, who was convicted for the offence under Section 392 r/w 397 IPC and was sentenced to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for 3 months by the learned XXXIII Additional Sessions Court Allikulam, Chennai in S.C.No.19 of 2018 dated 19.07.2022. The detenu has been serving the sentence in the prison for more than one year.



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3. We had directed the learned Additional Public Prosecutor to obtain the Probation Officer's report with regard to the claim made by the petitioner in her affidavit. Consequently, through a report dated 25.04.2024, the Probation Officer has rejected the claim of the petitioner on the ground that the petitioner's husband/convict prisoner had undergone imprisonment only for 1 year and 10 months and that the convict prisoner should have undergone at least two years imprisonment for grant of ordinary leave. The Probation Officer has however, recorded that the reasons assigned by the petitioner for grant of ordinary leave to the her husband/convict prisoner were found to be true and genuine.

4. Though the Probation Officer's report is not in favour of the petitioner, considering the fact that the reasons assigned by the petitioner for grant of ordinary leave to her husband is genuine, we are inclined to grant 10 days of ordinary to the petitioner's husband.

5. Accordingly, the convict prisoner namely Suresh, S/o.Raman, shall be granted 10 days ordinary leave ***“without escort”*** commencing



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from 03.05.2024 to 12.05.2024, with a further condition that he shall report before the jurisdictional Police i.e. D4, R.K.PET Police Station, Tiruvallur District, twice a week on Mondays and Thursdays at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 13.05.2024 before 10.00 a.m. The convict 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]

29.04.2024

Index: Yes/No

Speaking/Non-speaking order

Tsg

Note: Issue Order Copy on 30.04.2024.



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To

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Home, Prohibition and Excise Department,
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Chennai – 600 009.

2.The Director General of Police/
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3.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai – 600 066.

4.The Public Prosecutor,
High Court, Madras.



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