



W.P.No.11209 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.11209 of 2024

Kannagi

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Prison Head Quarters,
Egmore,
Chennai.

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

... 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 ordinary leave for 21 days by considering the representation of the petitioner dated 31.03.2024 and release her brother namely Ilangovan, S/o.Munusamy, aged about 42 years, Convict Prisoner, Central Prison, Puzhal.



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For Petitioner : Mrs.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 needs her brother/life convict's presence for selling property and making livelihood arrangements for his two sons, the petitioner has sought for ordinary leave for her brother. The petitioner's brother was convicted for the offence under Sections 370(4) IPC, 41 of ITP Act r/w. 17 of POCSO Act and was sentenced to undergo life imprisonment by the Special Court for Exclusive Trial of Cases under POCSO Act in S.C.No.37 of 2015. The petitioner has given a representation on 31.03.2024, seeking ordinary leave for her brother. Since the leave was not granted by the respondents, 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 undergone 3 years of imprisonment.

3. Though the performa produced by the learned Additional Public Prosecutor states that since the prisoner has completed only 2 years 8 months and 18 days of imprisonment (excluding remand set-off), he is not eligible for grant of leave, a report of the Probation Officer dated 26.04.2024 produced by the learned Additional Public Prosecutor states that the reason assigned by the petitioner for seeking leave for her brother is genuine and hence, he recommended grant of 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 brother, we are inclined to grant 21 days of ordinary to the petitioner's brother/life convict.

5. Accordingly, the petitioner/life convict namely Ilangovan, S/o.Munusamy, aged about 42 years, shall be granted 21 days ordinary



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leave “*without escort*” commencing from 13.06.2024 to 03.07.2024, with a condition that he shall report before the jurisdictional Police i.e. Pulianthope Police Station, Chennai, twice a week on Saturdays and Wednesdays at 10.30 am. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 04.07.2024 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]

07.06.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

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Note: Issue Order Copy on 12.06.2024



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To

1.The Deputy Inspector General of Prisons,
Prison Head Quarters,
Egmore,
Chennai.

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

3.The Public Prosecutor,
High Court, Madras.



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