



W.P.No.12651 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.12651 of 2024

Dhanalakshmi

... Petitioner

Vs.

1.The Director General of Police
Inspector General of Prisons and Correctional Service
Whannels Road
Egmore, Chennai 600 008

2.The Superintendent of Prison
Central Prison
Salem

... 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 28 days ordinary leave enabling the petitioner's husband Raja, S/o.Shankar, aged about 38 years, Convict Prisoner, Central Prison, Salem.

For Petitioner

: Ms.S.Nadhiya



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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 for issuance of Writ of Mandamus, directing the respondents to grant 28 days ordinary leave to the petitioner's husband Raja, S/o.Shankar, aged about 38 years, Convict Prisoner, Central Prison, Salem.

2. The learned counsel for the petitioner submitted that a representation dated 03.04.2024 was sent to the respondents seeking for a grant of 28 days ordinary leave to her husband on the ground her mother in law is suffering from health issues and she has also met with a road accident sometime back, due to which she was seriously injured and unable to earn anything for their livelihood. He added that the petitioner's husband has also not availed any leave in the past 10 years



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and his presence is required to make some financial arrangements for their medical expenses and also for their livelihood, which was rejected by the respondents on the erroneous ground that the petitioner's mother in law and her children are taken care of by her husband's brothers and there is no necessity for him to go on leave to make such arrangements.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 19.06.2024, which is not in favour of the life convict and the Probation Officer has stated that the reason for which the petitioner seeks for a grant of ordinary leave for her husband, is not genuine.

4. Since the reasons assigned by the Probation Officer in his report for rejecting the petitioner's representation are not acceptable, we are inclined to consider the prayer sought for in this Writ Petition.

5. This Writ Petition stands allowed accordingly. Consequently, there shall be a direction to the respondents herein, to grant 28 days



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ordinary leave “*without escort*” to the life convict namely Mr.Raja @ Fire Services Raja, S/o.Shankar, aged about 38 years, Life Convict No.8834, commencing from 25.06.2024 to 23.07.2024, with a condition that the life convict shall report before the jurisdictional Police i.e. Erode Town Police Station, daily at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 24.07.2024 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]

20.04.2024

Index: Yes/No
Neutral Citation

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Note: Issue Order Copy on 24.06.2024



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To

1.The Director General of Police
Inspector General of Prisons and Correctional Service
Whannels Road
Egmore, Chennai 600 008

2.The Superintendent of Prison
Central Prison
Salem

3.The Public Prosecutor
High Court of Madras
Chennai



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