



WEB COPY



W.P.No.14446 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.14446 of 2024

P.Ganga

... Petitioner

Vs.

1.The Home Secretary,
Home Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.Additional Director General of Police
and Inspector General of Prisons,
Whannels Road,
Egmore,
Chennai – 600 008.

3.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.

4.The Deputy Superintendent of Police,
O/o. Deputy Superintendent Police Station,
Villupuram Zone,
Villupuram District.

... Respondents



W.P.No.14446 of 2024

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 15 days ordinary leave without escort to the petitioner's husband/convict prisoner namely Prakash, S/o.Thangarasu, now confined in Cuddalore Central Prison, for the purpose of 'to making repairing the damaged house and arrangements treatment of the child', in pursuant to the petitioner's representation dated 02.04.2024.

For Petitioner : Mr.P.Muthamizhselvakumar

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 husband/convict prisoner's presence to repair the house and to make arrangements for the treatment of their disabled daughter, she has sought for ordinary leave for her husband. The petitioner's husband was convicted for the offences under Sections 366, 341, 506(ii) of IPC r/w. Section 5(i), 6 of the POCSO Act r/w. Section 3(1)(iv)(ii), 3(2)(va), 3(2)(v) of SC/ST (POA) Act and was



W.P.No.14446 of 2024

sentenced to undergo 20 years imprisonment by the learned Special Court for Exclusive Trial of POCSO Act Cases, Villupuram District in Spl.S.C.No.12 of 2021 dated 30.12.2022. Aggrieved against the said order, the convict prisoner has preferred an appeal and the same is pending before this Court. The petitioner has given a representation on 02.04.2024, seeking ordinary leave for her husband/convict prisoner, citing the above grounds. Since the same has not been considered till date, the petitioner has filed the present Writ Petition.

2. The learned counsel for the petitioner submitted that the convict prisoner has been in jail for the past 4 years.

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 the High Court, he is not eligible for grant of leave. However, the report of the Probation Officer dated 31.05.2024 produced by the learned Additional Public Prosecutor recommends to grant leave to the convict prisoner with escort.



W.P.No.14446 of 2024

WEB COPY

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 15 days of ordinary leave to the petitioner's husband/convict prisoner by invoking our powers under Article 226 of the Constitution of India.

5. Accordingly, the petitioner's husband/convict prisoner namely Prakash, S/o.Thangarasu, shall be granted 15 days ordinary leave ***“without escort”*** commencing from 13.06.2024 to 27.06.2024, with a condition that he shall report before the jurisdictional Police i.e. Tirukannur Police Station, Puducherry, twice a week on Saturdays and Tuesdays at 10.30 am. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 28.06.2024 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.



W.P.No.14446 of 2024

6. With the above direction, the Writ Petition stands allowed. No

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costs.

[M.S.R., J]

[S.M., J]

07.06.2024

Index: Yes/No

Speaking/Non-speaking order

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Note: Issue Order Copy on 12.06.2024

To

1.The Home Secretary,
Home Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.Additional Director General of Police
and Inspector General of Prisons,
Whannels Road, Egmore,
Chennai – 600 008.

3.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.

4.The Deputy Superintendent of Police,
O/o. Deputy Superintendent Police Station,
Villupuram Zone, Villupuram District.

5.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.14446 of 2024

M.S.RAMESH, J.
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W.P.No.14446 of 2024

07.06.2024