



WEB COPY



W.P.No.11875 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.11875 of 2024

K.Lakshmi

... Petitioner

Vs.

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

2.The Superintendent of Prisons,
Central Prison-1,
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 40 days ordinary leave for the petitioner's son namely Rajendran S/o.Kaasinadhan aged about 41 years, Convict Prisoner, Central Prison, Puzhal.



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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 her husband's medical treatment and to make livelihood arrangements for them, she sought leave for her son. The convict prisoner was arrested by the Inspector of Police, T-3 Korattur Police in Crime No.332/2008 for the offences under Section 377 and 302 IPC. After trial, the learned Additional District and Sessions Court (FTC-1), Chengalpattu by the Judgment dated 01.12.2008 in S.C.No.197 of 2008 had acquitted him from the charges under Section 377 and 302 IPC. Thereafter, the State filed an appeal against the acquittal before this Court in Crl.A.No.332 of 2009 and the same was allowed on 28.10.2009 and the prisoner was convicted U/s.377 and 302 IPC and he was sentenced to undergo life



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imprisonment. The petitioner had given a representation on 05.04.2024, seeking leave for her son. 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 served 14 years of his life sentence.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 02.05.2024, which is in favour of the prisoner.

4. By taking into consideration the reasons assigned by the petitioner in the affidavit filed in support of this Writ Petition, as well as the report of the Probation Officer dated 02.05.2024, we are inclined to grant 40 days of ordinary to the petitioner's son/convict prisoner.

5. Accordingly, the convict prisoner namely Rajendran S/o.Kaasinadhan, aged about 41 years, shall be granted 40 days ordinary



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leave “*without escort*” commencing from 20.06.2024 to 29.07.2024, with a condition that he shall report before the jurisdictional Police i.e. V-5 Thirumangalam Police Station, Chennai, 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 30.07.2024 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]

11.06.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Tsg

Note: Issue Order Copy on 18.06.2024



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To

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2.The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai – 600 066.

3.The Public Prosecutor,
High Court, Madras.



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