



W.P.No.12174 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.12174 of 2024

Nadhiya

... Petitioner/wife of the detenue

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,
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to grant 28 days of ordinary leave enabling the petitioner's husband namely Jayasurya, S/o.Dhanapal aged 30 years, Convict Prisoner, Central Prison, Coimbatore.



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For Petitioner : Ms.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.

This petition has been filed seeking a Writ of Mandamus to direct the respondents to grant ordinary leave for a period of 28 days for the petitioner's husband viz., Jayasurya, S/o.Dhanapal aged 30 years, confined at Central Prison, Coimbatore, who was convicted for the offences under Section 376 (g) IPC and was sentenced to undergo life imprisonment; under Section 392 IPC and was sentenced to undergo 10 years R.I. and under Section 506 (ii), he was sentenced to undergo 2 years R.I. by the learned Fast Track Mahila Court, Namakkal in S.C.No.57 of 2015 dated 05.06.2018. Challenging the same, he filed an appeal in Crl.A.No.398 of 2018 before this Court and the same was dismissed on 20.09.2021. He further approached the Apex Court by filing SLP (Crl) No.9044 of 2021 and the same was also dismissed on



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29.11.2021. Thereafter, the petitioner herein gave a representation dated 05.04.2024 to the respondents seeking for premature release of her husband and the same has not been considered till date.

2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has already undergone 7 years of imprisonment and that he seeks for ordinary leave for the petitioner's husband to make arrangements for the livelihood of his family.

3. The learned Additional Public Prosecutor has produced a copy of the Probation Officer's report dated 12.06.2024, which is in favour of the petitioner's husband/life convict and the Probation Officer has recommended for grant of ordinary leave to the petitioner's husband. However, the learned Additional Public Prosecutor submitted that since the convict prisoner was convicted for the offence under Section 392 IPC, he is not eligible for grant of leave.



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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, we are inclined to grant 28 days of ordinary to the petitioner's husband/life convict.

5. Accordingly, the respondents herein, are directed to grant 28 days Ordinary Leave ***“without escort”*** to the petitioner's husband/life convict namely Jayasurya, S/o.Dhanapal aged 30 years, confined at Central Prison, Coimbatore, commencing from 24.06.2024 to 21.07.2024, with a condition that the petitioner's husband/life convict shall report before the jurisdictional Police i.e. Inspector of Police, Namagiripettai Police Station, Rasipuram daily at 10.30 am. After expiry of the aforesaid Ordinary Leave, the life convict shall surrender before the Jail Authority on 22.07.2024 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.



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

[M.S.R., J] [S.M., J]
18.06.2024

Speaking/Non-speaking order
Index: Yes/No

Anu

Note: Issue Order Copy on 21.06.2024

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,
Coimbatore.

3.The Inspector of Police,
Namagiripettai Police Station,
Rasipuram.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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