



W.P.No.12198 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.12198 of 2024
and W.M.P.No.13650 of 2024

S.Vani

... Petitioner

Vs.

1.The Inspector General of Prisons,
Vellore Range, Vellore-2.

2.The Superintendent of Prison,
Central Prison,
Vellore-2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records No.2522/ThaKu.3/2024 dated 22.2.2024 passed by respondent No.2, and quash the same and consequently direct the respondents to grant 30 days ordinary leave to the petitioner's husband P.Sivaji, Son of Ponnusamy, aged 43 years, Ct.No.2374, Life Convict, now confined in the Central Prison, Vellore.



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For Petitioner : Ms.Y.Gomathi,
for M/s.P.Pugalenth
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 renovate their house, she made an application dated 19.02.2024 to the respondents for grant of 30 days ordinary leave to her husband. Since the same has been rejected by the respondents through the impugned order No.2522/Thuku.3/2024, dated 22.02.2024, she has filed the present Writ Petition to quash the impugned order and to grant 30 days ordinary leave to the petitioner's husband.

2.The petitioner's husband was convicted for the offences under Section 304(i) of IPC and was sentenced to undergo 10 years rigorous imprisonment by the learned Additional Sessions Court, Dharmapuri District in S.C.No.13 of 2011 dated 04.07.2015. Aggrieved over the said



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order, the convict prisoner has preferred an appeal in CrI.A.No.107 of 2016 before this Court and this Court vide Judgment dated 23.12.2016 enhanced the punished U/s.302 IPC and sentenced him to life imprisonment. Challenging the same, the convict prisoner has preferred an appeal before the Hon'ble Supreme Court in CrI.A.No.1976 of 2017 and the same is pending consideration.

3. The learned counsel for the petitioner submitted that the convict prisoner has been in jail for the past 8 years.

4. 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 Hon'ble Supreme Court, he is not eligible for grant of leave. However, the report of the Probation Officer dated 15.05.2024 produced by the learned Additional Public Prosecutor recommends to grant leave to the convict prisoner.

5. By taking into consideration the report of the Probation Officer recommending grant of leave to the convict prisoner, as well the reasons



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stated in the affidavit filed in support of this Writ Petition, we are inclined to grant 28 days of ordinary leave to the petitioner's husband/convict prisoner by invoking our powers under Article 226 of the Constitution of India.

6. Accordingly, the petitioner's husband/convict prisoner namely P.Sivaji, Son of Ponnusamy, aged about 43 years, Ct.No.2374, shall be granted 28 days ordinary leave ***“without escort”*** commencing from 20.06.2024 to 17.07.2024, with a condition that he shall report before the jurisdictional Police i.e. Kadathur Police Station, Dharmapuri, 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 18.07.2024 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.

7. With the above direction, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.



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[M.S.R., J]

[S.M., J]

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Index: Yes/No

Speaking/Non-speaking order

Tsg

Note: Issue Order Copy on 18.06.2024

To

1.The Inspector General of Prisons,
Vellore Range, Vellore-2.

2.The Superintendent of Prison,
Central Prison,
Vellore-2.

3.The Public Prosecutor,
High Court, Madras.



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