WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.13521 of 2024

V.Kannagi ... 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 Inspector of Police,
Thiruverkadu Police Station,
Cuddalore District. ... Respondents

https://www.mhc.tn.gov.in/judis

WEB COPY

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 30 days ordinary leave without escort to petitioner husband Convict Prisoner Mr.Veeravel S/o.Appavu CT-17147 now confined in Cuddalore Central Prison, for the purpose of "to making repairing the damaged house and arrangements for children studies". In pursuant to petitioner representation dated on 03.04.2024.

For Petitioner	:	Mr.P.Muthamizhselvakumar
For Respondents	:	Mr.A.Gokulakrishnan, Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
AND
SUNDER MOHAN, J.

On the ground that the petitioner needs her husband/convict prisoner's presence for repairing their damaged house and for making financial arrangements for their children's education expenses, she made an application dated 03.04.2024 to the respondents for grant of 30 days ordinary leave to her husband. Since the same has not been considered till date, she has filed the present Writ Petition seeking for grant of 30 days ordinary leave to the petitioner's husband.

https://www.mhc.tn.gov.in/judis

WEB COPY

2.The petitioner's husband was convicted for the offences under Section 376 r/w 511 IPC and was sentenced to undergo rigorous imprisonment for 4 years and to pay a fine of Rs.2,000 and in default to undergo simple imprisonment for one month, under Section 379 IPC and sentenced to undergo rigorous imprisonment for 3 years and under Section 323 IPC and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000 and in default to undergo simple imprisonment for one month and the sentences were ordered to run concurrently by the learned Additional Assistant Sessions Court, Mayiladuthurai, in SC.No.223 of 2008. Challenging the same, the convict prisoner preferred an appeal before the learned Mahila Fast Track Court, Nagapattinam in CA.No.16 of 2011 and the same came to be dismissed vide order dated 30.04.2014. Thereafter, the convict prisoner preferred an appeal before this Court in Crl.R.C.No.764 of 2014 and this Court vide order dated 15.02.2022 reduced the sentence in respect of the offence under Section 376 read with 511 of IPC from a period of 4 years RI to a period of 3 years and six months RI.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. The learned counsel for the petitioner submitted that the convict prisoner has been in jail for the past 1 ½ years.

4. The learned Additional Public Prosecutor has produced the report of the Probation Officer dated 10.05.2024, which is in favour of 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 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.

6. Accordingly, the petitioner's husband/convict prisoner namely Veeravel, S/o.Appavu, aged about 43 years, Ct.No.17147, shall be granted 15 days ordinary leave ***"without escort"*** commencing from 03.07.2024 to 17.07.2024, with a condition that he shall report before the jurisdictional Police i.e. Poompuhar Police Station, Mayiladuthurai, twice

https://www.mhc.tn.gov.in/judis

WEB COPY

a week on Saturdays and Tuesdays at 10.30 am. After expiry of the Ordinary Leave, the 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.

[M.S.R., J] **[S.M., J]**
27.06.2024

Index: Yes/No
Speaking/Non-speaking order

Tsg

Note: Issue Order Copy on 02.07.2024

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,

https://www.mhc.tn.gov.in/judis

WEB COPY

Whannels Road, Egmore,
Chennai – 600 008.

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

4.The Inspector of Police,
Thiruverkadu Police Station,
Cuddalore District.

5.The Public Prosecutor,
High Court, Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

M.S.RAMESH, J.
and
SUNDER MOHAN, J.

Tsg

W.P.No.13521 of 2024

27.06.2024

https://www.mhc.tn.gov.in/judis