



W.P.No.12909 of 2024

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.12909 of 2024

Chithra

... Petitioner

***Vs.***

1.The State Rep by its  
Deputy Inspector General of Prisons,  
Head Quarters,  
Egmore,  
Chennai 600 008.

2.The Deputy Inspector General of Prison,  
Coimbatore Range,  
Coimbatore.

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

... 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 30 days of ordinary leave without escort to the petitioner



W.P.No.12909 of 2024

husband Archunan son of Govindhan convict No 16654 confined in Central Prison, Salem in pursuance of petitioner representation dated 05.02.2024.

For Petitioner : Mr.C.Deepakkumar  
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 to make financial arrangements for their livelihood expenses and further, that both her husband and herself have to take medical treatment to conceive a child, she made an application dated 05.02.2024 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.



W.P.No.12909 of 2024

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2.The petitioner's husband was convicted for the offences under Section 376(1) of IPC and sentenced to undergo 7 years rigorous imprisonment by the learned Principal District and Sessions Judge, Salem in SC.No.203 of 2013 and challenging the same, the convict prisoner preferred an appeal in Crl.A.No.512 of 2013 and the same came to be dismissed on 11.03.2020 and thereafter, the convict prisoner has preferred an appeal in SLP.No.(Criminal)No.22460 of 2021 before the Hon'ble Supreme Court and the same was also dismissed on 03.01.2022.

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

4. The learned Additional Public Prosecutor submitted that as per Rule 22(3) of the Tamil Nadu Suspension of Sentence Rules, 1982, the petitioner's husband would be eligible for the next ordinary leave only after completion of 1 year of actual imprisonment from the date of return to the prison from the Previous Ordinary Leave. However, a report of the Probation Officer dated 18.06.2024 produced by the learned Additional Public Prosecutor states that the reason assigned by the petitioner,



W.P.No.12909 of 2024

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requesting to grant leave to her husband, is genuine and therefore, he positively recommends for grant of leave to the petitioner's husband.

5. 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's husband, we are of the view that the petitioner's request for grant of ordinary leave to her husband could be restricted for a period of 21 days, in exercise of our powers under Article 226 of the Constitution of India.

6. Accordingly, the life convict namely Archunan, S/o.Govindhan, Convict No.16654, shall be granted 21 days ordinary leave ***“without escort”*** commencing from 03.07.2024 to 23.07.2024, with a condition that he shall report before the jurisdictional Police i.e. Deevattipatti Police Station, Salem, twice a week on Tuesdays and Fridays at 10.30 am. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 24.07.2024 before 10.00 a.m. The convict prisoner shall utilize the leave only for the purpose for which it has been granted



W.P.No.12909 of 2024

and shall not indulge in any other activities.

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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 State Rep by its  
Deputy Inspector General of Prisons,  
Head Quarters,  
Egmore,  
Chennai 600 008.

2.The Deputy Inspector General of Prison,  
Coimbatore Range,  
Coimbatore.

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

4.The Public Prosecutor,



W.P.No.12909 of 2024

High Court, Madras.

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W.P.No.12909 of 2024

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

Tsg

W.P.No.12909 of 2024

27.06.2024