



WP.No.13029/2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.05.2024

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR. JUSTICE P.B.BALAJI

WP.No.13029/2024

Prabhavathi

.. Petitioner

Versus

1.The Secretary to Government of Tamil Nadu
Home Department, Fort St George
Chennai 600 009.

2.The Deputy Inspector General of Prison
Chennai Range, Egmore,
Chennai 600 008.

3.The Superintendent
Central Prison
Puzhal 600 066.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to grant ordinary leave for 30 days without escort to the detenu Muthaiyan, son of Chinnadurai, aged 42 years, convict No.8371, confined at Central Prison, Puzhal.



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For Petitioner : Mr.S.Manoharan
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

[Order of the Court was made by G.R.SWAMINATHAN, J.,]

(1) Heard both sides.

(2) The petitioner's husband / detenu Muthaiyan [Convict No.8371] was convicted for the offence under Section 307 of IPC and was sentenced to undergo life imprisonment. The detenu is in incarceration since 17.03.2021. The petitioner seeks grant of ordinary leave for 30 days for her husband.

(3) Notice was ordered. Counter affidavit has been filed by the 3rd respondent. The Report of the Probation Officer is also in favour of the detenu.

(4) We therefore, direct the 2nd respondent, to grant **twenty one days Ordinary leave** to the petitioner's husband / detenu on the following terms:-



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- (a) The detenu Muthaiyan, S/o.Chinnadurai, aged 42 years [Convict No.8371], is granted **Twenty One days Ordinary Leave without escort.**
- (b) The petitioner shall be released from the Central Prison on the date specifically approved by the Prison authorities by their order and he shall return back to the prison **on the expiry of 21st day of the leave period.**
- (c) Since no escort is provided, the detenu Muthaiyan, S/o.Chinnadurai, aged 42 years, **shall report before the Inspector of Police, Kanagamangalam Police Station, Tiruvallur District, daily at 10.00 a.m., during the leave period.**
- (5) The writ petition stands **allowed.**

[GRSJ] [PBBJ]

22.05.2024

AP

Internet : Yes



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- 4.The Public Prosecutor
High Court, Chennai.



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