



WEB COPY



W.P.No.13675 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.13675 of 2024
& WMP.No.14844 of 2024

Lavanya

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Prison IV) Department,
Fort St.George,
Chennai – 9.

2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai – 8.

3.The Superintendent of 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, calling for
the records of the 3rd respondent in his proceedings dated 10.05.2024



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made in No.E.50027/Tha.Ku.3/2024 and quash the same and consequently direct the respondents to grant 30 days leave to the petitioner's husband/detenuue namely V.Senthil Kumar, Life Convict No.24027, detained at Central Prison, Vellore without police escort.

For Petitioner	: Mr.N.Arun Kumar
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 make financial arrangements for the educational expenses of their children, she made an application dated 29.04.2024 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.E.50027/Tha.Ku.3/2024, dated 10.05.2024, she has filed the present Writ Petition to quash the impugned order and to grant 30 days ordinary leave to the petitioner's husband.



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2.The petitioner's husband was convicted for the offences under Section 302 r/w 34 of IPC and sentenced to undergo rigorous imprisonment for life and to pay a fine amount of Rs.50,000/- and in default to undergo 3 years RI, Under Section 201 IPC and sentenced to undergo 3 years RI and to pay a fine of Rs.5,000/- and in default to undergo 1 year RI, under Section 392 IPC and sentenced to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.20,000/- and in default to undergo 1 years RI and all the sentences were ordered to run concurrently by the learned District and Sessions Judge, Tiruvannamalai in S.C.No.126 of 2006 dated 17.12.2007. Aggrieved over the said order, the convict prisoner has preferred an appeal in CrI.A.No.89 of 2008 before this Court and this Court vide Judgment dated 30.04.2009 confirmed the Judgment of the trial Court. Thereafter, the petitioner preferred an SLP(Criminal) No.7327 of 2018 before the Hon'ble Supreme Court and vide judgment dated 13.08.2018, the Hon'ble Supreme Court dismissed the appeal.

3. The learned counsel for the petitioner submitted that the convict prisoner has been in jail for the past 6 years.



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4. The learned Additional Public Prosecutor has produced the report of the Probation Officer dated 04.04.2024, 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 10 days of ordinary leave to the petitioner's husband/convict prisoner.

6. Accordingly, the petitioner's husband/convict prisoner namely V.Senthil Kumar, S/o.Kasi Viswanathan, aged about 42 years, Ct.No.24027, shall be granted 10 days ordinary leave ***“without escort”*** commencing from 21.06.2024 to 30.06.2024, with a condition that he shall report before the jurisdictional Police i.e. Baygayam Police Station, Vellore District, 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 31.06.2024 before 10.00 a.m. The prisoner shall



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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.

[M.S.R., J]

[S.M., J]

14.06.2024

Index: Yes/No

Speaking/Non-speaking order

Tsg

Note: Issue Order Copy on 20.06.2024

To

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Prison IV) Department,
Fort St.George,
Chennai – 9.

2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai – 8.

3.The Superintendent of Central Prison,
Vellore – 2.



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4. The Public Prosecutor,
High Court, Madras.



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

Tsg

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