

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.13953 of 2024

P.Vasanth Kumar

... Petitioner

Vs.

1.The State rep. by its,
The Home Secretary,
Prison Department (IV), St.George Fort,
Secretariat,
Chennai – 600 009.

2.The Director General of Prison,
No.01, Gandhi Irwin Road,
CMDA Building, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, directing the 1st

respondent to grant ordinary leave to the petitioner/convict prisoner namely P.Vasantha Kumar, S/o.Parameshwaran (CT.No.2452), aged about 37 years, for a period of two months without escort in pursuance of the petitioner's father representation dated 01.04.2024.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

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

The petitioner herein, is a life convict, who was convicted for the offences under Section 364 IPC and was sentenced to undergo life imprisonment; under Section 392 r/w. 397 of IPC, he was sentenced to undergo 7 years R.I. and under Section 302 of IPC, he was sentenced to undergo life imprisonment by the learned III Additional District Sessions Judge, City Civil Court, Chennai in S.C.No.439 of 2007 dated 30.03.2009. Challenging the same, he filed an appeal in C.A.No.195 of 2009 before a Division Bench of this Court and the same was dismissed. He further approached the Apex Court by filing SLP (Crl) No.1881 of

2010 and the same was also dismissed. Thereafter, the petitioner's father had given several representations to the respondents seeking for premature release of the petitioner. Since the last representation of the petitioner's father dated 01.04.2024 has not been considered till date, the petitioner has filed the present Writ Petition seeking for 2 months ordinary leave.

2. The learned counsel for the petitioner submitted that the petitioner/life convict has already undergone 14 years of imprisonment and that he seeks for ordinary leave to make financial and other arrangements for his family.

3. The learned Additional Public Prosecutor has produced a copy of the Probation Officer's report dated 21.05.2024, which is in favour of the petitioner/life convict and the Probation Officer has recommended for grant of ordinary leave to the petitioner. However, the learned Additional Public Prosecutor submitted that since the convict prisoner was convicted for the offence under Section 392 r/w. 397 of IPC, he is not

eligible for grant of leave.

4. 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, we are inclined to grant 30 days of ordinary to the petitioner/life convict.

5. Accordingly, the respondents herein, are directed to grant 30 days Ordinary Leave “*without escort*” to the petitioner/life convict namely P.Vasanth Kumar, S/o.Parameshwaran, aged about 37 years, Convict No.2452, commencing from 10.06.2024 to 09.07.2024, with a condition that the petitioner/life convict shall report before the jurisdictional Police i.e. Vannur Police Station, Villupuram, twice a week on Wednesdays and Saturdays at 10.30 am. After expiry of the aforesaid Ordinary Leave, the life convict shall surrender before the Jail Authority on 10.07.2024 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.

6. With the above direction, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

03.06.2024

Speaking/Non-speaking order
Index: Yes/No

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Note: Issue Order Copy on 07.06.2024

To

1.The Home Secretary,
Prison Department (IV), St.George Fort,
Secretariat,
Chennai – 600 009.

2.The Director General of Prison,
No.01, Gandhi Irwin Road,
CMDA Building, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District – 600 066.

4.The Public Prosecutor,
High Court, Madras.

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M.S.RAMESH, J.
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