



WEB COPY



W.P.No.14159 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.14159 of 2024
and W.M.P.No.15345 of 2024

K.Sivathy

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Home Department,
(Prison Branch-IV),
Fort St.George,
Chennai – 600 009.

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

3.The Superintendent,
Puzhal-1, Central Prison,
Chennai – 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 respondents to



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grant ordinary leave for 30 days without escort, the detenu, Kamalananda, S/o.Rasanayagam, aged about 74 years, Convict No.4220, confined at Central Prison, Puzhal-1.

For Petitioner : Ms.K.Akshaya

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's father is suffering from various ailments and that due to his age and health condition he is unable to walk or stand without support, the petitioner has sought for ordinary leave for her father for taking him for proper medical treatment. The petitioner's father was convicted for the offences under Section 376 r/w. 9 of IPC and was sentenced to undergo life imprisonment; for the offence under Section 302 r/w. 34 of IPC, he was sentenced to undergo life imprisonment along with a fine of Rs.10,000/- in default to undergo 3 months RI; for the offence under Section 201 r/w. 114 of IPC, he was sentenced to undergo 1 year RI along with a fine of Rs.2500/- in default to undergo 1 month RI, by the learned Principal Sessions Judge, Pudukottai Division, Pudukottai in S.C.No.7 of



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1996 dated 20.08.1997. The petitioner has given a representation on 20.04.2024, seeking ordinary leave for her father. Since the same has not been considered till date, the petitioner has filed the present Writ Petition.

2. The learned counsel for the petitioner submitted that the life convict has been in jail for the past 28 years and since his condition is deteriorating, the petitioner seeks leave for her father.

3. Though the proforma produced by the learned Additional Public Prosecutor states that since the life convict is a Sri Lankan national, he is not eligible for grant of leave, a report of the Probation Officer dated 04.06.2024 produced by the learned Additional Public Prosecutor states that the reasons assigned by the petitioner for seeking leave for her father are true and hence, he recommends to grant leave to the life convict.

4. By taking into consideration the report of the Probation Officer recommending to grant leave to the petitioner's father, as well as the age and health condition of the life convict, we are inclined to grant 30 days of ordinary leave to the petitioner's father/life convict.



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5. Accordingly, the petitioner/life convict namely Kamalananda, S/o.Rasanayagam, aged about 74 years, shall be granted 30 days ordinary leave **“without escort”** commencing from 13.06.2024 to 12.07.2024, with a condition that he shall report before the jurisdictional Police i.e. Viralimalai Police Station, Pudukottai, once a week on every Monday at 10.30 am. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 13.07.2024 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. Connected miscellaneous petition is closed.

[M.S.R., J]

[S.M., J]

07.06.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No

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Note: Issue Order Copy on 12.06.2024



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To

1.The Secretary to Government of Tamil Nadu,
Home Department,
(Prison Branch-IV),
Fort St.George,
Chennai – 600 009.

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

3.The Superintendent,
Puzhal-1, Central Prison,
Chennai – 600 066.

4.The Public Prosecutor,
High Court, Madras.



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