



WEB COPY



W.P.No.14327 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.14327 of 2024

Padhu @ Padmanabhan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home and Prison Department,
St.George Fort,
Chennai – 600 009.

2.The Superintendent,
Central Prison,
Puzhal,
Chennai.

3.The Commissioner of Police,
O/o. The Commissioner of Police,
Avadi,
Chennai.

4.The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi,



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Chennai.

... 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 consider the representation of the petitioner dated 23.01.2024 for granting leave for 30 days to the petitioner namely Padhu @ Padmanabhan (Convict No.8044) (life convict), S/o.Vinayagasundaram, from the 2nd respondent Central Prison, Puzhal, Chennai.

For Petitioner : Mr.S.Tamilvendran
for Mr.M.Kamesh

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 wants to settle his property for making arrangements for livelihood of his family, he has sought for ordinary leave. The petitioner was convicted for the offence under Section 302 IPC and was sentenced to undergo life imprisonment along with a fine of Rs.1,000/- in default to undergo 6 months RI, by the learned Principal Sessions Judge, Thiruvallur in S.C.No.189 of 2017 dated 10.03.2020. Aggrieved against the said order, the petitioner filed CrI.A.No.438 of 2020



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and the same is pending before this Court. The petitioner has given a representation on 23.01.2024, seeking ordinary leave. 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 4 years.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 13.03.2024, which states that the reason assigned by the petitioner/life convict for seeking leave is not genuine and hence, he does not recommend to grant leave to the life convict.

4. Though the report of the Probation Officer does not favourably recommend for grant of leave to the petitioner/life convict, by taking into consideration that the petitioner/life convict has served 4 years of imprisonment without any leave, we are inclined to grant 21 days of ordinary leave to the petitioner/life convict by invoking our powers under Article 226 of the Constitution of India.



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5. Accordingly, the petitioner/life convict namely Padhu @ Padmanabhan, S/o.Vinayagasundaram, Convict No.8044, shall be granted 21 days ordinary leave **“without escort”** commencing from 13.06.2024 to 03.07.2024, with a condition that he shall report before the jurisdictional Police i.e. T7, Tank Factory Police Station, Avadi, 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 04.07.2024 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]

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 and Prison Department,
St.George Fort,
Chennai – 600 009.

2.The Superintendent,
Central Prison,
Puzhal,
Chennai.

3.The Commissioner of Police,
O/o. The Commissioner of Police,
Avadi,
Chennai.

4.The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi,
Chennai.

5.The Public Prosecutor,
High Court, Madras.



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

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