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W.P.No.14414 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.14414 of 2024

Sathya

... Petitioner

Vs.

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

2.The Deputy Inspector General of Prison,
Office of Deputy Inspector General of Prison,
Vellore Range, Ramset Nagar,
Thorapadi, Vellore – 2.

3.The Superintendent of Prison,
Central Prison at Vellore, Ramset Nagar,
Thorapadi, Vellore – 2.

... 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 grant 30 days ordinary leave without escort to the husband of the petitioner namely Madhesh, S/o.Subramani, CT.No.2079, by considering the



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petitioner's representation dated 13.05.2024.

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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.

On the ground that the life convict's mother's 11th month ceremony is fixed on 16.06.2024 and he has to pay tribute to his mother and for making arrangement for his children's school fees, the petitioner/wife has sought for ordinary leave for her husband. The petitioner's husband was convicted for the offence under Section 449 of IPC and was sentenced to undergo 3 years RI along with a fine of Rs.1000/- in default to undergo 3 months SI and for the offence under Section 302 IPC, he was sentenced to undergo life imprisonment along with a fine of Rs.5000/- in default to undergo 3 months SI by the learned Principal Sessions Judge, Dharmapuri in SC.No.30 of 2013 on 31.10.2014. Aggrieved against the said order, the life convict has



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filed Crl.A.No.577 of 2014 and the same came to be dismissed on 16.08.2016. Challenging the said order, he filed an appeal before the Apex Court and the same is pending. The petitioner has given a representation dated 13.05.2024 seeking ordinary leave for her husband. Since the same has not been considered till date, the present Writ Petition has been filed.

2. The learned counsel for the petitioner submitted that the life convict has served more than 3 years in jail.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 06.06.2024, which states that the reason assigned by the petitioner for seeking leave for her husband, is genuine.

4. In consideration of the reason that 11th month tribute of the life convict's mother is fixed on 16.06.2024, as well as the confirmation report of the Probation Officer that the said reason is genuine, we are of the view that the life convict can be granted 3 days of ordinary leave with minimum escort.



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5. Accordingly, the petitioner's husband/life convict namely Madhesh, S/o.Subramani, CT.No.2079, is granted 3 days of ordinary leave with ***minimum escort (3 persons)*** i.e. on 15.06.2024, 16.06.2024 and 17.06.2024. After expiry of the ordinary leave, the life convict shall surrender before the third respondent herein, on 17.06.2024 before 5.30 p.m. The convict 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 directions, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

07.06.2024

Index: Yes/No

Speaking/Non-speaking order

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Note: Issue Order Copy on 14.06.2024



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To

- 1.The Home Secretary (Prison Department),
St.George Fort,
Chennai – 600 009.
- 2.The Deputy Inspector General of Prison,
Office of Deputy Inspector General of Prison,
Vellore Range, Ramset Nagar,
Thorapadi, Vellore – 2.
- 3.The Superintendent of Prison,
Central Prison at Vellore, Ramset Nagar,
Thorapadi, Vellore – 2.
- 4.The Public Prosecutor,
High Court, Madras.



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