



WEB COPY



W.P.No.14479 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM:

THE HON'BLE MR. JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.14479 of 2024

P.D.Govindarajan

...Petitioner

VS.

1.The Home Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Additional Director General of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-600 008.

3.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.

4.The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai District.

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to grant 30 days ordinary leave without escort to the petitioner's son, convict prisoner, Mr.Karuna, S/o.Govindarajan, CT-16206, now confined at Cuddalore Central Prison, for the purpose of arranging fund for the treatment of the convict's parents and arrangement of the studies of convict's son, in pursuant to the petitioner's representation dated 27.04.2024.

For Petitioner :: Mr.P.Muthamizhselvakumar

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

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

This writ petition has been filed to direct the respondents to grant 30 days of ordinary leave without escort to the petitioner's son, convict prisoner, Mr.Karuna, S/o.Govindarajan, CT-16206, who is now confined at Cuddalore Central Prison pursuant to the petitioner's representation dated 27.04.2024.



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2. In the affidavit filed in support of the present writ petition, it is stated that the leave is required for arranging funds for medical expenses of the Convict Prisoner's father and to meet the educational expenses of the prisoner's son.

3. Mr.E.Raj Thilak, the learned Additional Public Prosecutor, produced the copy of the Probation Officer's report dated 31.05.2024, wherein he has not recommended for the grant of leave to the Convict Prisoner namely Karuna, S/o.Govindarajan, CT-16206, who is now confined at Cuddalore Central Prison.

4. Though the Probation Officer had not recommended for grant of ordinary leave, we have taken note of the fact that the prisoner has been in prison for 7 years, 2 months and 14 days, and he had come out on leave for only 13 days. Hence, we are inclined to exercise our powers under Article 226 of the Constitution of India to grant 21 days of ordinary leave, ***without escort***, to the Convict Prisoner.



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5. Accordingly, we permit the petitioner's son/Convict Prisoner namely Karuna, S/o.Govindarajan, CT-16206, who is now confined at Cuddalore Central Prison, to avail Ordinary Leave for a period of 21 days “*without escort*”, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner namely Karuna, S/o.Govindarajan, CT-16206, who is now confined at Cuddalore Central Prison, on Ordinary Leave for a period of 21 days i.e., from 16.06.2024 to 06.07.2024.

(ii) The Convict Prisoner shall be released on 16.06.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Cuddalore Central Prison, on 06.07.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Vadavanagambadi Police Station, Tiruvanamalai, twice a week i.e., on every Monday and Thursday at 05.00 pm, during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.



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6. With the above directions, the writ petition stands allowed.

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(M.S.R.,J.)

(S.M.,J.)

10.06.2024

Neutral Citation : Yes / No

Anu

Note to Registry:

1. Issue order copy by 14.06.2024.

2. Upload the order copy forthwith.

Copy to:-

1. The Home Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Additional Director General of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
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AND

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5.The Public Prosecutor,
High Court, Madras.

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