



W.P.No.14770 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.14770 of 2024

S.S.Mekala

... Petitioner

Vs.

1.The Deputy Inspector of General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

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

... 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 40 days ordinary leave without escort for the petitioner's brother namely S.Shajin, S/o.Selvaraj, aged about 40 years, Convict Prisoner, Central Prison, Puzhal, Chennai.

For Petitioner	: Mrs.S.Nadhiya
For Respondents	: Mr.A.Gokulakrishnan, Additional Public Prosecutor

ORDER



W.P.No.14770 of 2024

WEB COURT
M.S.RAMESH, J.
AND
SUNDER MOHAN, J.

The petitioner's brother is a life convict, who was convicted for the offence under Section 302 IPC and was sentenced to undergo life imprisonment along with a fine of Rs.10,000/- in default to undergo 1 year SI and under Section 449 IPC, he was sentenced to undergo life imprisonment along with a fine of Rs.10,000/- in default to undergo 1 year SI by the learned Principal Sessions Judge, Kanyakumari District on 10.12.2011. Aggrieved against the said order, the petitioner's brother filed Crl.A.(MD).No.149 of 2011 and the sentence under Section 449 IPC was confirmed but was modified as one of rigorous imprisonment for 10 years besides a fine of Rs.10,000/- in default to undergo 1 year RI and the sentence under Section 302 IPC was confirmed and he was sentenced to life imprisonment by this Court.

2. The learned counsel for the petitioner submitted that the petitioner and her family requires the presence of the life convict for arranging his marriage and for partitioning the property. The learned



W.P.No.14770 of 2024

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counsel further submitted that the life convict has served around 14 years of imprisonment. The petitioner has given a representation to the respondents on 17.05.2024, seeking 40 days ordinary leave for her brother. Since the same was rejected, she has filed the present Writ Petition.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 27.06.2024, which states that the reason assigned by the petitioner, seeking leave for her brother is genuine 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 brother/life convict, as well as the reasons assigned by the petitioner in the affidavit filed in support of this petition, we are inclined to grant ordinary leave to the petitioner's brother/life convict for a period of 28 days.

5. Accordingly, the respondents are directed to grant 28 days Ordinary Leave “*without escort*” to the petitioner's brother/life convict



W.P.No.14770 of 2024

WEB COPY

namely S.Shajin, S/o.Selvaraj, aged about 40 years, commencing from 04.07.2024 to 31.07.2024, with a condition that the life convict shall report before the jurisdictional Police i.e. F-4 Thousand Light Police Station, Chennai District, daily at 10.30 am. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 01.08.2024 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 directions, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

28.06.2024

Index: Yes/No

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Note: Issue Order Copy on 03.07.2024.

To

1.The Deputy Inspector of General of Prisons,
Gandhi Irwin Road,



W.P.No.14770 of 2024

WEB COPY

Egmore, Chennai – 600 008.

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

3.The Public Prosecutor,
High Court, Madras.



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W.P.No.14770 of 2024

M.S.RAMESH, J.
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W.P.No.14770 of 2024

28.06.2024