



W.P.No.14561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.14561 of 2024

Mari @ Muthu @ Marimuthu

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road, Egmore,
Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison - 1,
Puzhal, 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 grant 28 days ordinary leave for the petitioner namely Mari @ Muthu @ Marimuthu, S/o.Ezhumalai, aged about 41 years, Convict No.4962, Convict Prisoner, Central Prison, Puzhal.



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

ORDER

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

The petitioner herein is a life convict, who was convicted for the offence under Section 302 and 380 of IPC and was sentenced to undergo life imprisonment in S.C.No.380 of 2011 by the learned VI Additional Sessions Court, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner's presence is necessary for his family to make arrangements for medical expenses of his mother and educational expenses of his son. The learned counsel further submitted that the petitioner had given a representation dated 04.05.2024 in this regard and the same was rejected. The petitioner/life convict has undergone 11 years of imprisonment.



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3. The learned Additional Public Prosecutor has produced a proforma dated 03.06.2024 which states that the life convict has undergone 11 years 3 months and 25 days of imprisonment (excluding 88 days remand set-off) and he has not availed any leave so far and that he is eligible for grant of leave. The learned Additional Public Prosecutor has also produced a report of the Probation Officer dated 28.05.2024 and the Probation Officer has recommended to grant leave to the life convict however, with strong Police Escort.

4. By taking into consideration the proforma and Probation Officer's report produced by the learned Additional Public Prosecutor, recommending to grant leave to the petitioner, as well as the fact that the life convict has not availed any leave in the past 11 years of his imprisonment, we are inclined to consider the prayer sought for in this Writ Petition.



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5. Accordingly, the respondents herein, are directed to grant 28 days Ordinary Leave “*without escort*” to the petitioner/life convict namely Mari @ Muthu @ Marimuthu, S/o.Ezhumalai, aged about 41 years, Convict No.4962, commencing from 02.07.2024 to 29.07.2024, with a condition that the life convict shall report before the jurisdictional Police i.e. J8 Neelangarai Police Station, Chennai, daily at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 30.07.2024 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]

25.06.2024

Speaking/Non-speaking order

Index: Yes/No

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Note: Issue Order Copy on 01.07.2024



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To

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Prison Head Quarters,
Whannels Road, Egmore,
Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison - 1,
Puzhal, Chennai – 600 066.

3.The Public Prosecutor,
High Court, Madras.



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