



WEB COPY



W.P.No.14559 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Poongodi

... Petitioner

Vs.

The State represented by its,

1.The Secretary to Government of Tamilnadu,
Home Department,
(Prison Branch-IV),
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.

3.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 641 018.

... 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 extend the ordinary leave for 30 days without escort to the detenue, Ajeeth



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@ Santhosh, S/o.Vijayakumar, aged about 53 years, Convict No.21145,
confined at Central Prison, Coimbatore.

For Petitioner : Dr.S.Manoharan
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

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

The petitioner's husband/life convict was earlier granted ordinary leave between 08.05.2024 to 04.06.024, by the second respondent, on the ground that his mother was suffering from uterus problem and that his family required his presence to take her for medical check-up. Now, this Writ Petition has been filed seeking for a direction to the respondents to extend the ordinary leave to the petitioner's husband/life convict.

2. The petitioner states that her husband was convicted for the offence under Sections 341 of IPC and sentenced to undergo 1 month RI, under Section 323 IPC and sentenced to undergo one year RI, under



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Section 506(ii) IPC and sentenced to undergo 5 years RI with fine of Rs.2,000/-, in default to undergo 4 months RI, under Section 376(g) IPC and sentenced to undergo Life Imprisonment with a fine of Rs.2,000/- and in default to undergo 4 months RI and the sentences were ordered to run concurrently by the learned Sessions Court (Fast Track Court, Mahila Judge), Namakkal in S.C.No.57 of 2015 on 05.06.2018. The petitioner further states that she in her 8th month of pregnancy and that she is suffering from certain complications during pregnancy and there is no one to take care of her and hence, she requires her husband's presence at the time of delivery. Hence, she has filed the present Writ Petition seeking to extend the ordinary leave for 30 days to her husband.

3. The learned counsel for the petitioner submitted that the life convict has served more than seven years of imprisonment.

4. The learned Additional Public Prosecutor submitted that as per Rule 22 of the Tamil Nadu Suspension of Sentence Rules, 1982, the petitioner's husband would be eligible for the next ordinary leave only after completion of 1 year of actual imprisonment from the date of return to the



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prison from the Previous Ordinary Leave. However, a report of the Probation Officer dated 06.06.2024 produced by the learned Additional Public Prosecutor states that the reason assigned by the petitioner, requesting to grant leave to her husband, is genuine and therefore, he positively recommends for grant of leave to the petitioner's husband.

5. By taking into consideration the reasons assigned in the affidavit filed in support of this Writ Petition, as well as the report of the Probation Officer, recommending to grant leave to the petitioner's husband, we are of the view that the petitioner's request for grant of ordinary leave to her husband could be restricted for a period of 28 days, in exercise of our powers under Article 226 of the Constitution of India.

6. Accordingly, the life convict namely Ajeeth @ Santhosh, aged about 53 years, Convict No.21145, shall be granted 28 days ordinary leave ***“without escort”*** commencing from 19.06.2024 to 16.07.2024, with a condition that he shall report before the jurisdictional Police i.e. Namagiripettai Police Station, Namakkal, twice a week on Tuesdays and Fridays at 10.30 am. After expiry of the Ordinary Leave, the life convict



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shall surrender before the Jail Authority on 17.07.2024 before 10.00 a.m.

The life convict shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

7. With the above direction, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

13.06.2024

Index: Yes/No

Tsg

Note: Issue Order Copy on 18.06.2024



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To

1.The Secretary to Government of Tamilnadu,
Home Department,
(Prison Branch-IV),
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.

3.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 641 018.

4.The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.

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