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W.P.No.14692 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.14692 of 2024  
and WMP.No.15940 of 2024

Muthulakshmi

... Petitioner

Vs.

1.The State represented by its,  
The Deputy Inspector General of Prison,  
Coimbatore Zone,  
Coimbatore.

2.The Superintendent,  
Coimbatore Central Prison,  
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing No.I/12523/2024, dated 03.05.2024, passed by the 2<sup>nd</sup> respondent and quash the same and consequently direct the respondents to grant ordinary leave for 30 days without escort to the detenue, Magesh S/o.Krishnan, aged about 40 years, bearing Convict No.19592 confined at Central Prison, Coimbatore.



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For Petitioner : Mr.P.Bakiyaraj  
For Respondents : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

ORDER

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

This Writ Petition is filed for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing No.I/12523/2024, dated 03.05.2024, passed by the 2<sup>nd</sup> respondent and quash the same and consequently direct the respondents to grant ordinary leave for 30 days without escort to the detenue, Magesh S/o.Krishnan, aged about 40 years, bearing Convict No.19592 confined at Central Prison, Coimbatore.

2. The petitioner's representation was predominately rejected on the ground that the Convict Prisoner is involved in an offence under Section 392 of IPC, which stands as a bar for grant of ordinary leave under Rule 21 (b) of the Tamil Nadu Suspension of Sentence Rules, 1982. Strictly speaking, the reasons assigned in the impugned order cannot be found



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fault with. However, before this Court, the petitioner / wife of the convict prisoner has filed an affidavit stating that the Convict Prisoner's presence is required for making financial arrangements for her son's education as well as for their survival.

3. We had directed the learned Additional Public Prosecutor to obtain the Probation Officer's report with regard to the claim made by the petitioner in her affidavit. The Probation Officer in his report has stated that the reasons given in the representation are genuine.

4. In view of the favourable report of the Probation Officer and also taking into consideration, we are inclined to invoke the powers of this Court under Article 226 of the Constitution of India, for the purpose of directing the respondents to release the petitioner on ordinary leave without escort for a period of 10 days.

5. Accordingly, the impugned order passed by the 2nd respondent in No.I/12523/2024, dated 03.05.2024, passed by the 2<sup>nd</sup> respondent is hereby quashed. Consequently, the respondents are directed to release



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the convict prisoner viz. Magesh, S/o.Krishnan, Convict No.19592, confined at Central Prison, Coimbatore, “*without escort*” for a period of 10 days commencing from 26.06.2024 to 05.07.2024, with a further condition that the convict prisoner shall report before the jurisdictional Police i.e. Courtallam Police Station, Tenkasi District, twice a week viz. on Monday and Thursday at 05.00 p.m., during the period of leave. After expiry of the ordinary leave, the convict prisoner shall surrender before the Jail Authorities on 06.07.2024 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. Consequently, the connected miscellaneous petitions are closed.

[M.S.R., J]

[S.M., J]

20.06.2024

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Note: Issue Order Copy on 25.06.2024

To

1.The Deputy Inspector General of Prison,



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Coimbatore Zone,  
Coimbatore.

2.The Superintendent,  
Coimbatore Central Prison,  
Coimbatore.

3.The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.



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