



W.P.No.14567 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.14567 of 2024

Sharly Angela

... Petitioner

Vs.

The State represented by its,
1.The Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore – 641 018.

2.The Superintendent,
Central Prison,
Coimbatore - 641 018.

3.The Superintendent,
Open Prison, Ondiputhur,
Coimbatore District - 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



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to grant ordinary leave for 30 days without escort to the detenu Jaganathan, S/o.Shanmugam, aged about 32 years, Convict Prisoner, bearing Convict No.1273, confined at Open Prison, Ondiputhur, Coimbatore.

For Petitioner : Mr.P.Bakiyaraj

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

The petitioner's husband is a convict prisoner, who was convicted for the offence under Sections 4 and 6 of POCSO Act and was sentenced to undergo 7 years imprisonment along with a fine of Rs.5,000/- in C.C.No.7 of 2017 by the learned Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore on 15.03.2018.



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2. The learned counsel for the petitioner submitted that the petitioner requires the presence of her husband to make arrangements for their livelihood and school fees of their children. The learned counsel further submitted that the petitioner's husband/convict prisoner has undergone 1 year and 5 months of imprisonment. He would further submit that the petitioner had given a representation dated 22.04.2024 in this regard. Since the said representation has not been considered till date, the petitioner has filed the present Writ Petition.

3. Though the proforma produced by the learned Additional Public Prosecutor dated 29.05.2024 states that since the convict prisoner has not completed 2 years of imprisonment, he is not entitled for ordinary leave as per Rule 22 of the Tamil Nadu Suspension of Sentence Rules, 1982, a report of the Probation Officer dated 24.06.2024 states that the reason assigned by the petitioner is genuine and hence, he has recommended to grant leave to the convict prisoner.



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4. 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/convict prisoner, 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 10 days, in exercise of our powers under Article 226 of the Constitution of India.

5. Accordingly, the respondents herein, are directed to grant 10 days Ordinary Leave *“without escort”* to the petitioner's husband/convict prisoner namely Jaganathan, S/o.Shanmugam, aged about 32 years, Convict No.1273, commencing from 02.07.2024 to 11.07.2024, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. Podanur Police Station, Coimbatore District, daily at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 12.07.2024 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



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costs.

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[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

To

1.The Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore – 641 018.

2.The Superintendent,
Central Prison,
Coimbatore - 641 018.

3.The Superintendent,
Open Prison, Ondiputhur,
Coimbatore District - 641 018.

4.The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.

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