



WEB COPY



W.P.No.14826 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.14826 of 2024

Sumathi

... Petitioner

Vs.

1.The Deputy Inspector of General of Prisons,
Prison Head Quarters,
Egmore,
Chennai.

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

... 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 21 days ordinary leave without escort for the petitioner's brother namely Aravindan @ Megaraj, S/o.Kulasekaran, aged about 39 years, Convict Prisoner, Central Prison, Puzhal, Chennai.



WEB COPY



W.P.No.14826 of 2024

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

ORDER

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

The petitioner's brother is a convict prisoner, who was convicted for the offence under Sections 498A and 306 IPC and was sentenced to undergo 7 years imprisonment in S.C.No.206 of 2016 by the learned Mahila Court, Chennai on 22.04.2016. Aggrieved against the said order, the petitioner's brother filed CrI.A.No.316 of 2016 and the same was dismissed on 14.03.2023.

2. The learned counsel for the petitioner submitted that the petitioner's brother's presence is required for taking care of his old aged father and for his arranging medical expenses. The petitioner has given a representation to the respondents on 15.05.2024, seeking 21 days ordinary leave for her brother. Since the same was rejected, she has filed the present Writ Petition.



W.P.No.14826 of 2024

WEB COPY

3. Though the proforma produced by the learned Additional Public Prosecutor dated 06.06.2024 states that since the convict prisoner has not completed 2 years of imprisonment, he is not eligible for leave, a report of the Probation Officer dated 29.05.2024, states that the reason assigned by the petitioner, seeking leave for her brother is genuine and hence, he recommends to grant leave to the convict prisoner.

4. By taking into consideration the report of the Probation Officer, recommending to grant leave to the convict prisoner, 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/convict prisoner by invoking our powers under Article 226 of the Constitution of India, restricting for a period of 10 days.

5. Accordingly, the respondents are directed to grant 10 days Ordinary Leave **“without escort”** to the petitioner's brother/convict prisoner namely Aravindan @ Megaraj, S/o.Kulasekaran, aged about 39 years, commencing from 04.07.2024 to 13.07.2024, with a condition that



W.P.No.14826 of 2024

WEB COPY

the convict prisoner shall report before the jurisdictional Police i.e. K-3 Aminjikarai Police Station, Chennai District, daily at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 14.07.2024 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 directions, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

28.06.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Sni

Note: Issue Order Copy on 03.07.2024.



W.P.No.14826 of 2024

WEB COPY To

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

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

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.14826 of 2024

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

Sni

W.P.No.14826 of 2024

28.06.2024