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W.P.No.14619 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.14619 of 2024

Vennila

... 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-I,
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 ordinary leave for 21 days without escort for petitioner's husband namely Mani @ Manikandan S/o.Periyasamy aged about 30 years,



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Convict prisoner, Convict No.7221, 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.

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents to grant ordinary leave for 21 days without escort for petitioner's husband namely Mani @ Manikandan S/o.Periyasamy aged about 30 years, Convict prisoner, Convict No.7221, Central Prison, Puzhal.

2. The learned counsel for the petitioner submitted that a representation dated 02.05.2024 has been given to the respondents seeking for grant of 21 days ordinary leave to her husband on the ground the petitioner, who is the wife of life convict suffering from uterus tumour and also to make financial arrangements for their three children



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education. Since, the representation of the petitioner was not considered by the respondents, the present petition has been preferred by the petitioner.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 17.06.2024, which is in favour of the life convict and the Probation Officer has stated that the reason for which the petitioner seeks ordinary leave for her husband, is a genuine one. At the same time, the Performa submitted by the Probation Officer indicates that as per Rule 22(c) of Tamilnadu Suspension of Sentence Rules 1982 as amended in G.O.(Ms) No.205, Home (Prison-V) Department dated 25.04.2022, the prisoners who are sentenced to imprisonment for life should complete three years imprisonment from the date of conviction to be eligible for ordinary leave. Since the above mentioned prisoner has not completed three years, he is not eligible for ordinary leave at this point of time.

4. The reasons assigned by the Probation Officer in his Performa



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are not found fault with. At the same time, the Probation Officer has also recommended for his leave for the prevailing situation of the convict. Hence, this Court is inclined to consider the prayer sought for by the petitioner in this Writ Petition.

5. This Writ Petition stands allowed accordingly. Consequently, there shall be a direction to the respondents herein, to grant 10 days ordinary leave **“without escort”** to the life convict namely Mani @ Manikandan, S/o.Periyasamy, aged about 30 years, Life Convict No.7221, commencing from 26.06.2024 to 05.07.2024, with a condition that the life convict shall report before the jurisdictional Police i.e. Ramanadham Police Station, Tittakudi, Cuddalore District, daily at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority 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.



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

[M.S.R., J]

[S.M., J]

20.06.2024

Index: Yes/No
Neutral Citation

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Note: Issue Order Copy on 25.06.2024

To

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-I,
Puzhal, Chennai-600 066.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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