



W.P.No.14709 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.14709 of 2024

Manikandan

... Petitioner

Vs.

The State Represented by its

1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort. St.George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Chennai Range, Egmore,
Chennai – 600 008.

3.The Superintendent,
Central Prison,
Puzhal – III,
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



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to grant ordinary leave of 40 days without escort to the detenue, Poovarasi, W/o.Manikandan, aged about 38 years, Convict No.355, confined at Central Prison, Puzhal.

For Petitioner : Dr.S.Manoharan

For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

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

On the ground that the petitioner needs her wife/convict prisoner's presence to make financial arrangements for their livelihood expenses, he made an application dated 27.05.2024 to the respondents for grant of 40 days ordinary leave to his wife. Since the same has not been considered till date, he has filed the present Writ Petition seeking for grant of 40 days ordinary leave to the petitioner's wife.

2.The petitioner's wife was convicted for the offences under Section 364 of IPC and sentenced to undergo 7 years RI and to pay a fine of Rs.50,000/- and in default, to undergo SI for 6 months, under Section



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302 r/w 201 of IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.50,000/- and in default, to undergo SI for a period of 6 months and the sentences were ordered to run concurrently, by the learned II Additional Sessions Judge, Chennai in SC.No.491 of 2010. Challenging the same, the convict prisoner preferred an appeal before this Court in CrI.A.No.226 of 2013 and this Court confirmed the conviction under Section 364 IPC and further, the conviction under Section 302 r/w 201 of IPC was set aside and instead, the accused was convicted u/s. 302 of IPC and was sentenced to undergo imprisonment for life and to pay a fine of Rs.20,000/- and in default, to undergo RI for six weeks. Thereafter, the convict prisoner filed an appeal before the Hon'ble Supreme Court and the same came to be dismissed.

3. The learned counsel for the petitioner submitted that the convict prisoner has been in jail for the past 14 years.

4. The learned Additional Public Prosecutor has produced the report of the Probation Officer dated 13.06.2024, which is in favour of



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the convict prisoner.

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5. By taking into consideration the report of the Probation Officer recommending grant of leave to the convict prisoner, as well the reasons stated in the affidavit filed in support of this Writ Petition, we are inclined to grant 28 days of ordinary leave to the petitioner's wife/convict prisoner.

6. Accordingly, the petitioner's wife/convict prisoner namely Poovarasi, W/o.Manikandan, aged about 38 years, Ct.No.355, shall be granted 28 days ordinary leave ***“without escort”*** commencing from 03.07.2024 to 30.07.2024, with a condition that she shall report before the jurisdictional Police i.e. R5 Virugambakkam Police Station, Chennai, twice a week on Saturdays and Tuesdays at 10.30 am. After expiry of the Ordinary Leave, the convict shall surrender before the Jail Authority on 31.07.2024 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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7. With the above direction, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

27.06.2024

Index: Yes/No

Speaking/Non-speaking order

Tsg

Note: Issue Order Copy on 02.07.2024

To

1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort. St.George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Chennai Range, Egmore,
Chennai – 600 008.

3.The Superintendent,
Central Prison,
Puzhal – III,
Chennai – 600 066.

4.The Public Prosecutor,
High Court, Madras.



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