



W.P.No.15254 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM :

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

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Rajeshwari

.. Petitioner

Versus

The State represented by its,

1. The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai - 600 009.
2. The Deputy Inspector General of Prison,
Vellore Range,
Vellore - 632 001.
3. The Superintendent,
Central Prison Vellore,
Vellore - 632 001.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to grant Ordinary Leave for 1 month without escort to the detenue, Govindhan, S/o.Gopal, aged about 47 years, bearing Convict No.4055, confined at Central Prison, Vellore.



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For Petitioner : Mr.P.Bakiyarj

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

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

This Writ Petition is filed for a direction to the respondents to grant one month Ordinary Leave, without escort, to the petitioner's husband / convict viz., Govindhan, S/o.Gopal, aged about 46 years, Convict Prisoner, bearing CT No.4055, confined at Central Prison, Vellore.

2. Heard the learned Counsel on either side and perused the documents.

3. On the grounds that the presence of the petitioner's husband is required to perform death rituals of his brother, who demised last year and also to arrange money for their family's livelihood by selling their property, the petitioner herein seeks for grant of Ordinary Leave for a period of one month.



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4. The Probation Officer, in his report dated 03.07.2024, has confirmed that the petitioner wants to sell their property for their livelihood and also the prisoner has to perform death rituals of his brother and that the prisoner's presence is required for the same and has accordingly recommended for grant of leave.

5. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the petitioner herein.

6. At this juncture, learned Additional Public Prosecutor submitted that the petitioner is otherwise eligible to avail 21 days of Ordinary Leave.

7. Accordingly, the convict prisoner viz., Govindhan, S/o.Gopal, aged about 46 years, bearing CT.No.4055, confined at Central Prison, Vellore, is hereby granted Ordinary Leave for a period of 15 days, without escort commencing from 12.07.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Govindhan, S/o.Gopal, aged about 46 years, on



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Ordinary Leave for a period of 15 days i.e., from 12.07.2024 to 26.07.2024.

(ii) The Convict Prisoner shall be released on 12.07.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Vellore, on 26.07.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Adhiyaman Kottai, Dharmapuri district, daily at 05.00 pm, during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

8. Accordingly, the Writ Petition stands allowed.

[M.S.R., J]
05.07.2024

[S.M., J]

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no



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Note :- Issue order copy on 11.07.2024

To

1. The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai - 600 009.
2. The Deputy Inspector General of Prison,
Vellore Range,
Vellore - 632 001.
3. The Superintendent,
Central Prison Vellore,
Vellore - 632 001.
4. The Inspector of Police,
Adhiyaman Kottai,
Dharmapuri district.
5. The Public Prosecutor,
High Court of Madras.



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

grs

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