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W.P.No.15809 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.15809 of 2024

Varalakshmi

... Petitioner

Vs.

1.State by: The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Deputy Inspector General of Prisons,
Vellore Range, Vellore – 2.

3.The Superintendent of Prison,
Central Prison,
Vellore – 632 002.

... 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 30 days ordinary leave without escort to the petitioner's husband namely Srirangan, S/o.Rangasamy, aged about 55 years, convict prisoner, Central Prison, Vellore.

For Petitioner

: Mrs.S.Nadhiya



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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 509, 109, 506(i), 306 of IPC & 4 of Women Harassment Act and was sentenced to undergo 10 years imprisonment in S.C.No.301 of 2009 by the learned Additional District Sessions Judge, Thirupathur. Aggrieved against the said order, the petitioner's husband filed an appeal in CrI.A.No.579 of 2012 and the same was dismissed on 09.01.2020. Now, on the ground that the petitioner requires the presence of her husband/convict prisoner for selling the land owned by the convict prisoner and for making livelihood arrangements, she has sought for 30 days ordinary leave for her husband. She has given a representation dated 02.04.2024 in this regard and since the same has not been considered till date, she has filed the present Writ Petition.



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2. The learned counsel for the petitioner submitted that the convict prisoner has undergone 3 years of imprisonment.

3. The particulars produced by the learned Additional Public Prosecutor of the convict prisoner dated 02.07.2024 states that the convict prisoner is eligible for grant of 21 days leave. Further, a report of the Probation Officer dated 23.04.2024, states that the reason assigned by the petitioner seeking leave for her husband is genuine and hence, he has recommended for grant of leave to the convict prisoner with escort.

4. By taking into consideration the particulars and a report of the Probation Officer, recommending to grant leave to the convict prisoner, as well as the reasons assigned in the affidavit filed in support of this petition, we are inclined to grant 21 days of ordinary leave to the petitioner's husband/convict prisoner.

5. Accordingly, the respondents are directed to grant 21 days Ordinary Leave “*without escort*” to the petitioner's husband/convict prisoner namely Srirangan, S/o.Rangasamy, aged about 55 years,



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commencing from 10.07.2024 to 30.07.2024, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. Nattrampalli Police Station, Tirupattur District, daily at 10.30 a.m. After expiry of the Ordinary Leave, the convict prisoner 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.

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

[M.S.R., J]

[S.M., J]

03.07.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No

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Note: Issue Order Copy on 09.07.2024.



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To

- 1.The The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The Deputy Inspector General of Prisons,
Vellore Range, Vellore – 2.
- 3.The Superintendent of Prison,
Central Prison,
Vellore – 632 002.
- 4.The Public Prosecutor,
High Court, Madras.



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