



W.P.No.15431 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.15431 of 2024

Vasantha

... Petitioner

Vs.

1.The State represented by its
The Deputy Inspector General of Prison
Gandhi Irwin Road, Egmore
Chennai 600 008

2.The Superintendent
Puzhal Central Prison - I
Puzhal 600 066

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus to direct the respondents to grant ordinary leave for 30 days without escort to the detenu Birla, S/o.Chinnasamy, aged about 34 years bearing Convict No.21144 /OJCT No.1986 confined at Central Prison, Puzhal.

For Petitioner

: Mr.S.Sadhana



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For Respondents

: Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.

AND

SUNDER MOHAN, J.

This Writ Petition has been filed seeking for a direction, to direct the respondents to grant ordinary leave for 30 days without escort to the detenu Birla, S/o.Chinnasamy, aged about 34 years bearing Convict No.21144 /OJCT No.1986 confined at Central Prison, Puzhal.

2. Learned counsel for the petitioner submitted that the petitioner, who is the mother of the convict prisoner is suffering from piles and she seeks assistance of her son to arrange funds for her surgery and to take care of her. Hence, she has given a representation dated 24.04.2024, which was rejected by the respondent.

3. Learned Additional Public Prosecutor has produced a report from the Probation Officer and the same is not in favour of the life



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convict. The Probation Officer has stated that the reason for which the petitioner seeks for grant of ordinary leave for her son, is not genuine and that the petitioner has already undergone a surgery and she is having her another son and daughter in law to take care of her.

4. Since the reasons assigned by the Probation Officer in his report for rejecting the petitioner's representation is not acceptable, we are inclined to consider the prayer sought for in this Writ Petition.

5. Accordingly, there shall be a direction to the respondents herein, to grant 15 days ordinary leave ***“without escort”*** to the life convict namely Mr.Birla, S/o.Chinnasamy, Convict No.21144 / OJCT No.1986, commencing from 19.07.2024 to 02.08.2024, with a condition that the life convict shall report before the jurisdictional Police i.e. Namagiripettai Police Station, Namakkal District, daily at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 03.08.2024 before 10.00 a.m. The prisoner shall



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

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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 direction, the Writ Petition stands allowed. No
costs.

[M.S.R., J]

[S.M., J]

15.07.2024

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Note: Issue Order Copy on 18.07.2024

To

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

2.The Superintendent
Puzhal Central Prison - I
Puzhal 600 066

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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