



WEB COPY



W.P.No.15735 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.15735 of 2024

Dillirani

... Petitioner

Vs.

The State represented by its

1.The Secretary to 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 the issuance of Writ of Mandamus, directing the respondents to
grant ordinary leave for 30 days without escort to the detenu namely



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Gopinath, S/o.Kuzhanthai Raththinaivel, aged about 41 years, bearing
Convict No.4191, confined at Central Prison, Vellore.

For Petitioner : Mr.P.Bakiyaraj
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 Section 498A of IPC and was sentenced to undergo 3 years RI along with a fine of Rs.5,000/- in default to undergo 6 months RI and under Section 304B of IPC, he was sentenced to undergo 3 years RI along with a fine of Rs.5,000/- in default to undergo 6 months RI in S.C.No.40 of 2017 by the learned Sessions Judge Fast Track Mahila Court, Krishnagiri on 19.11.2018. On the ground that the petitioner requires the presence of her husband/convict prisoner for making financial arrangements as well as for making arrangement of funds for his mother's medical treatment, she has sought for 30 days ordinary leave for her



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husband. She has given a representation dated 27.04.2024 in this regard and since the same has not been considered till date, she has filed the present Writ Petition.

2. The learned counsel for the petitioner submitted that the convict prisoner has undergone more than 1 year of imprisonment.

3. The learned Additional Public Prosecutor has produced the particulars of the convict prisoner dated 18.06.2024, which states that the convict prisoner is eligible for grant of leave for a period of 21 days. Further, the learned Additional Public Prosecutor has also produced a report of the Probation Officer dated 05.06.2024, which states that the reason assigned by the petitioner seeking leave for her husband is genuine and hence, he has recommended for grant of leave.

4. By taking into consideration the report of the Probation Officer, recommending for grant of leave, 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.



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5. Accordingly, the respondents are directed to grant 21 days Ordinary Leave *“without escort”* to the petitioner's husband/convict prisoner namely Gopinath, S/o.Kuzhanthai Raththinaivel, aged about 41 years, Convict No.4191, commencing from 10.07.2024 to 30.07.2024, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. Melpatty Police Station, Vellore 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 Secretary to 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 Public Prosecutor,
High Court, Madras.



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