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W.P.No.15577 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.15577 of 2024

Kulanthai Yesu

... Petitioner

Vs.

1.The State rep. by its,
The Deputy Inspector General of Prison,
Office of Deputy Inspector General of Prison,
Vellore Range, Ramset Nagar, Thorapadi,
Vellore – 2.

2.The Superintendent of Prison,
Central Prison at Vellore,
Ramset Nagar, Thorapadi, Vellore – 2.

... 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 to the petitioner/Convict Prisoner namely Mr.Kulanthaiyesu, S/o.Royappan, for a period of 40 days without escort in pursuance of the petitioner's mother's representation dated 03.05.2024.

For Petitioner

: Mr.M.Mohamed Saifulla



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For Respondents

: Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.

AND

SUNDER MOHAN, J.

The petitioner is a life convict prisoner, who was convicted for the offence under Section 302 r/w. 149 IPC (4 counts) and was sentenced to death penalty; under Section 307 r/w. 149 IPC (2 counts), he was sentenced to undergo 4 years RI and under Section 201 r/w. 149 IPC, he was sentenced to undergo 2 years RI in S.C.No.79 of 1999 by the learned Additional Sessions Judge, Thiruvannamalai District on 28.08.2002. Aggrieved against the said order, the petitioner filed CrI.A.No.1431 of 2002 and the Trial Court filed R.T.No.04 of 2002 for confirmation of death penalty and the death penalty was modified to life imprisonment vide order dated 29.10.2002.

2. The learned counsel for the petitioner submitted that though the petitioner is entitled for premature release, the same has not been granted to him. In this regard, the petitioner's mother has also given a



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representation dated 03.05.2024. Further, the petitioner filed a Writ Petition in W.P.No.14077 of 2024, which was disposed of with a direction to the respondents to consider the petitioner's representation within a period of three weeks on 23.04.2024. Since the same has not been considered till date, the petitioner has once again come up before this Court, seeking 40 days ordinary leave. The learned counsel further submitted that the petitioner has undergone 21 years of imprisonment and his family requires his presence for making livelihood arrangements.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 24.06.2024, which is in favour of the petitioner and the Probation Officer recommends to grant leave to the life convict prisoner.

4. By taking into consideration the report of the Probation Officer, recommending to grant leave to the life convict prisoner, as well as the period of incarceration undergone by the petitioner/life convict, we are inclined to grant 40 days ordinary leave to the petitioner/life convict.



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5. Accordingly, the respondents are directed to grant 40 days Ordinary Leave “*without escort*” to the petitioner/life convict namely Mr.Kulanthaiyesu, S/o.Royappan, commencing from 06.07.2024 to 14.08.2024, with a condition that the life convict shall report before the jurisdictional Police i.e. Vadaponparappi Police Station, Kallakurichi District, daily at 10.30 A.M. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 15.08.2024 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]

28.06.2024

Index: Yes/No

Speaking/Non-speaking order

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Note: Issue Order Copy on 05.07.2024.



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WEB COPY To

The Deputy Inspector General of Prison,
Office of Deputy Inspector General of Prison,
Vellore Range,
Ramset Nagar, Thorapadi,
Vellore – 2.

2.The Superintendent of Prison,
Central Prison at Vellore,
Ramset Nagar, Thorapadi,
Vellore – 2.

3.The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.

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