



W.P.No.16496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Bharathi

... Petitioner/wife of the detenue

Vs.

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,
Coimbatore Range,
Coimbatore-641 018.

3.The Superintendent,
Central Prison,
Salem-636 007.

... 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



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to grant ordinary leave for 30 days without escort to the detenue, Selvam, S/o.Chinnapayagoundar, aged 44 years, convict prisoner, bearing Convict No.8924, undergoing life imprisonment for more than 10 years at Central Prison, Salem.

For Petitioner : Mr.P.Bakiyaraj

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

This petition has been filed seeking a Writ of Mandamus to direct the respondents to grant ordinary leave for a period of 30 days without escort for the petitioner's husband viz., Selvam, S/o.Chinnapayagoundar, aged 44 years, convict prisoner, bearing Convict No.8924, confined at Central Prison, Salem, who was convicted for the offences under Section 450, 396 IPC (2 counts) and was sentenced to undergo 10 years of rigorous imprisonment; under Section 396 IPC (2 counts), he was sentenced to undergo imprisonment for life for each count by the learned



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II Additional District Judge, Salem in S.C.No.262 of 2007. Challenging the order of conviction, the petitioner preferred an appeal in C.A.No.619 of 2016 and the same came to be dismissed on 12.08.2016.

2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has undergone 10 years, 1 month and 21 days of imprisonment, including the period undergone after conviction and that she seeks for ordinary leave for her husband to arrange funds for the medical expenses of her mother-in-law as she has been advised to undergo eye surgery.

3. The Probation Officer, in his report dated 08.07.2024, has stated that the reasons assigned by the petitioner for grant of leave is true and he has recommended for grant of ordinary leave to the petitioner's husband.

4. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the



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Constitution of India, thereby granting required leave to the convict prisoner.

5. Accordingly, the convict prisoner viz., Selvam, S/o.Chinnapayagoundar, aged 44 years, convict prisoner, bearing Convict No.8924, confined at Central Prison, Salem, is hereby granted ordinary leave for a period of 10 days, without escort commencing from 22.07.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Selvam, S/o.Chinnapayagoundar, aged 44 years, on Ordinary Leave for a period of 10 days i.e., from 22.07.2024 to 31.07.2024.

(ii) The Convict Prisoner shall be released on 22.07.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Salem, on 31.07.2024 at 05.30 p.m.

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



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(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.

6. Accordingly, the writ petition stands allowed. No Costs.

[M.S.R., J] [S.M., J]
16.07.2024

Speaking/Non-speaking order
Index: Yes/No

Anu

Note: Issue Order Copy on 19.07.2024

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,
Coimbatore Range,
Coimbatore-641 018.

3.The Superintendent,
Central Prison,



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4.The Inspector of Police,
Theevatipatti Police Station.

5.The Public Prosecutor,
High Court, Madras.

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