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W.P.No.15813 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.15813 of 2024

Archunan

... Petitioner

Vs.

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

2.The Superintendent of Prisons,
Central Prison - 1,
Puzhal,
Chennai – 600 066.

... 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 40 days ordinary leave for the petitioner namely Archunan, S/o.Madasamy, aged about 46 years, CT.No.4004, now confined in the Central Prison-1, Puzhal, Chennai.



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For Petitioner : Mrs.S.Nadhiya
For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

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

The petitioner is a life convict, who was convicted for the offence under Sections 302 r/w.34, 449 & 380 of IPC in S.C.No.89 of 2010 by FTC Court, Chennai on 28.03.2011. Aggrieved against the said order, the petitioner filed an appeal in CrI.A.No.299 of 2011 and the same was confirmed on 16.11.2011 and the petitioner was sentenced to undergo life imprisonment for each Section. Now, on the ground that the petitioner's family requires his presence for making arrangements for educational expenses of his daughter and livelihood, he has sought for 40 days ordinary leave. He has given a representation dated 05.05.2024 in this regard and since the same has not been considered till date, he has filed the present Writ Petition.



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2. The learned counsel for the petitioner submitted that the petitioner/life convict has undergone 14½ years of imprisonment.

3. The proforma produced by the learned Additional Public Prosecutor of the life convict dated 18.06.2024, states that the life convict is eligible for grant of leave. Further, a report of the Probation Officer dated 26.06.2024, states that the reasons assigned by the petitioner for seeking leave are genuine and hence, he has recommended for grant of leave to the petitioner/life convict.

4. By taking into consideration a report of the Probation Officer, recommending to grant leave to the life convict, as well as the fact that the petitioner/life convict has not availed any leave so far during his imprisonment, we are inclined to grant 40 days of ordinary leave to the petitioner/life convict.

5. Accordingly, the respondents are directed to grant 40 days Ordinary Leave ***“without escort”*** to the petitioner/life convict namely



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Archunan, S/o.Madasamy, aged about 46 years, CT.No.4004, commencing from 10.07.2024 to 18.08.2024, with a condition that the life convict shall report before the jurisdictional Police i.e. Senthamaram Police Station, Tenkasi District, daily at 10.30 a.m. After expiry of the Ordinary Leave, the petitioner/life convict shall surrender before the Jail Authority on 19.08.2024 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]

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 Deputy Inspector General of Prisons,
Gandhi Irwin Road,
Egmore,
Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison - 1,
Puzhal,
Chennai – 600 066.

3.The Public Prosecutor,
High Court, Madras.



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