



WEB COPY



W.P.No.16153 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.16153 of 2024

Amutha

... Petitioner/mother of the detenue

Vs.

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

2.The Superintendent,
Puzhal Central Prison,
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 detenue, Karthick, S/o.Jayapal aged about 33 years bearing Convict No.8815 confined at Central Prison, Puzhal.



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For Petitioner : Ms.S.Sadhana
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This writ petition has been filed to direct the respondents to grant ordinary leave for 30 days without escort to the detainee viz., Karthick, S/o.Jayapal, aged about 33 years, bearing Convict No.8815, confined at Central Prison, Puzhal

2. Heard the learned counsel on either side and perused the documents.

3. The petitioner herein seeks for grant of ordinary leave for her son for a period of 30 days, without escort, on the ground that the petitioner' son is required to arrange funds for the medical expenses of the petitioner as she has been admitted in a private hospital owing to certain medical ailments and to make arrangements for their livelihood.



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4. Learned Additional Public Prosecutor submitted that the petitioner's son is not entitled to seek ordinary leave as he has not completed three years of imprisonment. As per Rule 22 of the Tamil Nadu Suspension of Sentence Rules, a prisoner who has been sentenced for more than 14 years or a life convict, would be entitled to seek for grant of ordinary leave on completion of three years of sentence. Since the petitioner's son has only undergone 02 years 7 months and 10 days, he is not eligible for grant of ordinary leave.

5. The Probation Officer, in his report dated 05.06.2024, stated that the reasons assigned by the petitioner is true and that the conduct of the prisoner was also reported to be satisfactory when he was released on bail and he recommended for grant of ordinary leave.

6. Although the convict prisoner has not completed imprisonment for three years, the Probation Officer has recommended for grant of leave stating that the reasons assigned by the petitioner is true. As such, we are inclined to grant ordinary leave for a period of 15 days in exercise of our powers under Article 226 of the Constitution of India.



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7. Accordingly, the detenue viz., Karthick, S/o.Jayapal, aged about 33 years, bearing Convict No.8815, confined at Central Prison, Puzhal, is hereby granted ordinary leave for a period of 15 days, without escort, commencing from 10.00 am on 19.07.2024 to 5 pm of 02.08.2024. On expiry of the ordinary leave, the detenu shall surrender before the prison authorities. During the period of leave, the petitioner shall report before the Inspector of Police, P2 Otteri Police Station, Chennai, daily at 05.00 p.m. 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

8. Accordingly, the Writ Petition stands allowed. No costs.

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

12.07.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

Note: Issue Order Copy on 18.07.2024



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To

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1.The Deputy Inspector General of Prison,
Coimbatore Zone, Coimbatore.

2.The Superintendent,
Central Prison,
Coimbatore.

3.The Inspector of Police,
P2 Otteri Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.



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

Anu

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