



WEB COPY



W.P.No.15712 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.15712 of 2024
and W.M.P.No.17124 of 2024

K.P.Mohammed Faisal

... 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,
Coimbatore Zone,
Coimbatore - 641 018.

3.The Superintendent,
Central Prison, Coimbatore - 641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order bearing No.I/20098/2024 dated 23.05.2024, passed by the 3rd respondent and quash the same and



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consecutively direct the 1st and 2nd respondents to grant ordinary leave for 30 days without escort to the detenu, Abdul Nasar, S/o.Mohammed, aged about 47 years, bearing Convict No.23003 confined at Central Prison, Coimbatore.

For Petitioner : Mr.P.Bakiyaraj

For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

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

This Writ Petition has been filed challenging the impugned order dated 23.05.2024, considering the representation of the petitioner dated 23.01.2024 and granting 21 days leave to the petitioner's son, however with escort.

2. The only reason assigned in the impugned order for granting leave to the petitioner's son with escort is as per the order of the second respondent dated 29.04.2024 who has granted leave to the prisoner with escort.



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3. The learned counsel for the petitioner submitted that the petitioner needs the presence of his brother/life convict for dividing and selling the property among all the brothers and sisters and therefore, he sought for an ordinary leave for a period of 30 days for his brother. In this regard, he gave a representation dated 23.01.2024 and the same was considered but his brother was granted leave with escort and therefore, he has filed the present Writ Petition.

4. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 28.03.2024, which states that the reason for which the petitioner seeks for grant of ordinary leave for his brother, is genuine, however, since the life convict is taking leave for the first time, he is granted leave with strong escort.

5. Since no proper reason has been assigned in the impugned order dated 23.05.2024 for granting leave with escort to the life convict and that the report of the Probation Officer dated 28.03.2024, also is in favour of the life convict, however with escort, we are inclined to consider the prayer sought for in this Writ Petition by invoking our powers under Article 226 of



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the Constitution of India.

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6. Accordingly, this Writ Petition stands allowed and the impugned order dated 23.05.2024 passed by the 3rd respondent in No.I/20098/2024, is hereby quashed. Consequently, the respondents are directed to grant 21 days Ordinary Leave **“without escort”** to the petitioner's brother/life convict namely Abdul Nasar, S/o.Mohammed, aged about 47 years, bearing Convict No.23003, commencing from 10.07.2024 to 30.07.2024, with a condition that the life convict shall report before the jurisdictional Police i.e. Gudalur Police Station, Nilgiris District, daily at 10.30 am. After expiry of the Ordinary Leave, the life convict 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. No costs. Connected miscellaneous petition is closed.

[M.S.R., J]

[S.M., J]

03.07.2024

Index: Yes/No

Speaking/Non-speaking order

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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,
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Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore - 641 018.

3.The Superintendent,
Central Prison,
Coimbatore - 641 018.

4.The Public Prosecutor,
High Court, Madras.



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