



WEB COPY



W.P.No.16094 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.16094 of 2024

Suganya

... 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,
Puzhal Range,
Puzhal-600 066.

3.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 1 month without escort to the detenue, Saravanan, S/o.Theivanayakam, aged 37 years bearing Convict No.6977, confined at Central Prison, Puzhal.



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W.P.No.16094 of 2024

For Petitioner : Mr.M.Ezhilarasu
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

This writ petition has been filed to direct the respondents to grant ordinary leave for 1 month without escort to the detenue viz., Saravanan, S/o.Theivanayakam, aged 37 years, bearing Convict No.6977, 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 husband for a period of 1 month, without escort, on the ground that the petitioner's husband is required to perform last funeral rites for his father and to make arrangements for medical expenses as his mother has certain ailments.



W.P.No.16094 of 2024

WEB COPY

4.The Probation Officer, in his report dated 27.06.2024, has not recommended for grant of leave as the reason assigned by the petitioner is untrue.

5.The learned Additional Public Prosecutor submitted that the prisoner is otherwise eligible for 28 days of ordinary leave.

6.Although the probation officer did not recommend granting leave, considering that the prisoner has not availed any leave so far and that he is eligible for 28 days of ordinary leave, we are inclined to grant ordinary leave for a period of 28 days in exercise of our powers under Article 226 of the Constitution of India.

7. Accordingly, the detenue viz., Saravanan, S/o.Theivanayakam, aged 37 years, bearing Convict No.6977, confined at Central Prison, Puzhal, is hereby granted ordinary leave for a period of 28 days, without escort, commencing from 10.00 am on 19.07.2024 to 5 pm of 15.08.2024. On expiry of the ordinary leave, the detenu shall surrender



W.P.No.16094 of 2024

before the prison authorities. During the period of leave, the petitioner shall report before the Inspector of Police, Vangal Police Station, Karuru 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.

To

1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.



W.P.No.16094 of 2024

2.The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal-600 066.

3.The Superintendent,
Puzhal Central Prison,
Puzhal-600 066.

4.The Inspector of Police,
Vangal Police Station, Karur.

5.The Public Prosecutor,
High Court, Madras.



WEB COPY



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W.P.No.16094 of 2024

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