



W.P.No.16419 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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Kamala Kannan

... Petitioner/ the detenue

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels 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, to direct the respondent to grant ordinary leave for 21 days by considering the representation of the petitioner dated 01.04.2024 namely Kamalakannan, S/o.Subramaniyan, aged about 64 years, Convict Prisoner, Convict No.10443, Central Prison, Puzhal.



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For Petitioner : Ms.S.Nadhiya
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 21 days for the petitioner viz., Kamalakannan, S/o.Subramaniyan, aged about 64 years, Convict Prisoner, Convict No.10443, confined at Central Prison, Puzhal, who was convicted for the offences under Section 120-B IPC and was sentenced to undergo rigorous imprisonment for 2 years; under Section 7 of PC Act and was sentenced to undergo 2 years R.I. and under Section 13(2) r/w 13(1) of PC Act, he was sentenced to undergo rigorous imprisonment for 2 years by the IX Additional Special Court for CBI Cases, City Civil Court, Chennai in C.C.No.13 of 2007.

2. The learned counsel for the petitioner submitted that the petitioner / convict prisoner has undergone 07 months and 01 day of



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imprisonment and that he seeks for ordinary leave to arrange funds for the medical expenses of her wife as she is advised to undergo surgery on spinal cord and to take care of her.

3. Learned Additional Public Prosecutor submitted that the petitioner is not entitled to seek ordinary leave as he has not completed 1 year of imprisonment. As per Rule 22 (1) (a) of the Tamil Nadu Suspension of Sentence Rules, a prisoner who has been sentenced to undergo 1 to 5 years of imprisonment, would be entitled to seek for grant of ordinary leave on completion of one year of sentence. Since the petitioner has only undergone imprisonment for 07 months and 01 day, he is not eligible for grant of ordinary leave.

4. The Probation Officer, in his report dated 02.07.2024, stated that the reasons assigned by the petitioner is true, however since petitioner's sons are there to take care of their mother / wife of the petitioner, he has not recommended for grant of ordinary leave.

5. Although the convict prisoner has not completed imprisonment



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for 1 year, and that the Probation Officer has not recommended for grant of leave, considering the reason assigned by the petitioner that his presence is required to take care of his wife as she has to undergo surgery on spinal cord, we are inclined to grant ordinary leave for a period of 10 days in exercise of our powers under Article 226 of the Constitution of India.

6. Accordingly, the detenue viz., Kamalakannan, S/o.Subramaniyan, aged about 64 years, Convict Prisoner, Convict No.10443, confined at Central Prison, Puzhal, is hereby granted ordinary leave for a period of 10 days, without escort, commencing from 10.00 am on 22.07.2024 to 5 pm of 31.07.2024. 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, V6 Kolathur 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.

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



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[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 Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai-600 008.

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

3. The Inspector of Police,
V6 Kolathur Police Station,
Chennai.



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

Anu

4.The Public Prosecutor,
High Court, Madras.

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