



WEB COPY



W.P. No.16532 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

W.P. No.16532 of 2024

Malini

...Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Whannels Road,
Egmore, Chennai-600 008.

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

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ or direction or any other writ in nature of Writ of Mandamus, to direct the respondents to grant 28 days ordinary leave without escort for the petitioner's husband namely Ravikumar, S/o.Venkatesh @ Kubili Venkatesh, aged 63 years, Convict Prisoner, Central Prison, Puzhal.

For Petitioner : Ms.S.Nadhiya

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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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 28 days, without escort for the petitioner's husband viz., Ravikumar, S/o.Venkatesh @ Kubili Venkatesh, aged 63 years, Convict Prisoner, Central Prison, Puzhal, who was convicted for the offences under Section 8(c) r/w Section 29, 21(c) and 28 r/w 31 NDPS Act; and was sentenced to undergo rigorous imprisonment for 16 years for each of the offences by the I Additional Special Court under NDPS Act, Chennai in C.C.No.47 of 2012 dated 29.10.2018. Challenging the order of conviction, the petitioner preferred an appeal in CrI.A.No.830 of 2018 and this Court vide order dated 27.07.2018, confirmed the sentence and conviction of the convict prisoner.

3. The learned Additional Public Prosecutor, on instructions, submitted that in view of the provisions under the Tamil Nadu Suspension of Sentence Rule, which bars grant of parole to heinous offences, the respondent cannot consider the petitioner's request for leave. This apart, the Probation Officer has also not



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recommended the grant of leave to the prisoner.

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4. Learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court in the case of ***Dadu Alias Tulsidas vs. State of Maharashtra*** reported in ***(2000) 8 Supreme Court Cases 437*** in support of his submission that Section 32-A of NDPS Act would not affect the powers of the authorities to grant parole. Considering the said decision, a Coordinate Bench of this Court in W.P. No.22285 of 2023, had granted leave to the convict prisoner in exercise of powers under Article 226 of the Constitution of India.

5. On a perusal of the records, we are of the view that though the Probation Officer has not positively recommended for grant of leave to the prisoner, considering the reason assigned by the petitioner seeking ordinary leave for her husband on the ground that his presence is required to meet her medical expenses as she has certain medical ailments, we are inclined to grant ordinary leave for a period of 15 days, without escort subject to the usual conditions that can be imposed by the respondents and this Writ Petition is ordered on the following terms:



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(1) The convict shall be released from the prison at 10.00 a.m on 22.07.2024 and he shall return back to the prison at 06.00 p.m. on 05.08.2024.

(2) During the aforesaid leave period, the convict prisoner shall report before the Inspector of Police, T9 Pattabiram Police Station, daily at 10.30 a.m.

(M.S.R., J.) (S.M., J.)
16.07.2024

Anu

Internet : Yes

Index : Yes / No

Note: Issue order copy on 19.07.2024

To

1. The Deputy Inspector General of Prisons,
Whannels Road,
Egmore, Chennai-600 008.

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



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3. The Inspector of Police,
T9 Pattabiram Police Station.

2. The Public Prosecutor
High Court, Madras.



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and
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