



W.P.No.16415 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.16415 of 2024

V.Valarmathi

... Petitioner

Vs.

1.The Deputy Inspector of Prisons
Coimbatore Range
Central Prisons Campus
Coimbatore 641 018

2.The Superintendent of Prisons
Central Prison
Salem - 7

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant 28 days ordinary leave to the petitioner's son Irusappan, S/o.Varatharasu, aged 48 years, Convict No.8934, Convict Prisoner, Central Prison, Salem.

For Petitioner

: Mr.P.Pugalenth



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For Respondents

: Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

This Writ Petition has been filed seeking for a direction, directing the respondents to grant 28 days ordinary leave to the petitioner's son Irusappan, S/o.Varatharasu, aged 48 years, Convict No.8934, Convict Prisoner, Central Prison, Salem.

2. It is submitted by the learned counsel for the petitioner that the brother of the petitioner is a life convict and has been suffering incarceration for more than 15 years and he is dependent on others even for his day to day activities. The disability of the life convict is 90%. A representation was also made to the respondents to consider him for his premature release on medical grounds under Rule 631 of the Tamil Nadu Prison Rules, 1983 and the same is still pending with the respondents. It is further submitted that the petitioner, who is the mother of the life



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convict wants to divide the property which stands in the name of her husband. Since the above said prisoner is the only son other than three daughters, the petitioner seeks for grant of 28 days ordinary leave to her son in order to effect partition and also to renovate their house. Therefore, a representation dated 03.06.2024 was given to the respondents, which came to be rejected by them on the ground that there are six cases pending against him. Hence, the present writ petition.

3. Learned Additional Public Prosecutor appearing for the respondents submitted a Probation Officer's report, in which he has stated that the reasons assigned in the representation dated 03.06.2024 are genuine, but at the same time he has stated that there is a life threat to the prisoner, and if he is granted any leave, it should be granted with adequate escort as it would create law and order problem in the locality. The learned Additional Public Prosecutor added that the petitioner is having six cases pending against him and he is not eligible for the grant of ordinary leave.

4. Since the reason assigned in the representation is genuine, and that the petitioner also wants to have the presence of her son at the time



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of partition of their property, we are inclined to invoke the powers of this Court under Article 226 of the Constitution of India, for the purpose of directing the respondents to release the petitioner on ordinary leave with adequate escort for a period of 3 days.

5. Accordingly, there shall be a direction to the respondents herein, to grant 3 (three) days ordinary leave *“with adequate escort”* to the life convict namely Mr.Irusappan, S/o.Varatharasu, Convict Prisoner No.8934, commencing from 06.08.2024 to 08.08.2024. The prisoner shall be brought back to the jail on 09.08.2024 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.

6. With the above direction, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

25.07.2024

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Note: Issue order copy on 05.08.2024

To

1.The Deputy Inspector of Prisons
Coimbatore Range
Central Prisons Campus



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Coimbatore 641 018

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2.The Superintendent of Prisons
Central Prison
Salem - 7

3.The Public Prosecutor
High Court of Madras
Chennai 600 104

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

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