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W.P.No.16861 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.16861 of 2024

Anjalai

... Petitioner/wife of the detenue

Vs.

1.The State represented by its,
The Deputy Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai-600 008.

2.The Superintendent,
Puzhal Central Prison-I,
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 30 days without escort to the detenue, Mannangatti @ Rajamanickam, S/o.Ellan aged about 71 years bearing Convict No.9127 confined at Central Prison, Puzhal.



W.P.No.16861 of 2024

WEB COPY

For Petitioner : Ms.S.Sadhana

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 30 days for the petitioner's husband viz., Mannangatti @ Rajamanickam, S/o.Ellan aged about 71 years, bearing Convict No.9127, confined at Central Prison, Puzhal, who was convicted for the offences under Section 450 IPC and was sentenced to undergo rigorous imprisonment for 10 years; under Section 354 (B) IPC and was sentenced to undergo 5 years R.I. and under Section 6 of POCSO Act, 2012, he was sentenced to undergo life imprisonment by the Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Chengalpattu in Spl.S.C.No.16 of 2019 (Old No.33/2016) dated 21.07.2022.

2. The learned counsel for the petitioner submitted that the



W.P.No.16861 of 2024

petitioner's husband/convict prisoner has already undergone 02 years 01 month and 19 days of imprisonment and that he seeks for ordinary leave for the petitioner's husband to arrange funds for her medical expenses as she has certain medical ailments and to make arrangements for the livelihood of their family.

3. Learned Additional Public Prosecutor submitted that the petitioner's husband is not entitled to seek ordinary leave as he has not completed three years of imprisonment. As per Rule 22 of the Tamil Nadu Suspension of Sentence Rules, a prisoner who has been sentenced for more than 14 years or a life convict, would be entitled to seek for grant of ordinary leave on completion of three years of sentence. Since the petitioner's husband has only undergone 02 years 01 month and 19 days, he is not eligible for grant of ordinary leave.

4. The Probation Officer, in his report dated 21.06.2024, stated that the reasons assigned by the petitioner is true and he recommended for grant of ordinary leave with a condition to report before the concerned jurisdictional police everyday.



W.P.No.16861 of 2024

WEB COPY

5. Although the convict prisoner has not completed imprisonment for three years, the Probation Officer has recommended for grant of leave stating that the reasons assigned by the petitioner is true. As such, 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., Mannangatti @ Rajamanickam, S/o.Ellan aged about 71 years, bearing Convict No.9127, 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, Melmaruvathur Police Station, Chengalpattu District, 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.



WEB COPY



W.P.No.16861 of 2024

[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

The Deputy Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai-600 008.

2.The Superintendent,
Puzhal Central Prison-I,
Puzhal-600 066.

3.The Inspector of Police,
Melmaruvathur Police Station,
Chengalpattu District.

4.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.16861 of 2024

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SUNDER MOHAN, J.

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W.P.No.16861 of 2024

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