



W.P.No.17029 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.17029 of 2024

Govindammal

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents the respondents to grant ordinary leave for 30 days without escort to the detenu, Rajarathinam, S/o.Raji aged about 42 years bearing Convict No.7630, confined at Central Prison, Puzhal.



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For Petitioner : Ms.S.Sadhana
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, to direct the respondents to grant ordinary leave for 30 days without escort to the detenu, Rajarathinam, S/o.Raji aged about 42 years bearing Convict No.7630, confined at Central Prison, Puzhal.

2. It is submitted by the learned counsel for the petitioner that the petitioner is the wife of the life convict. The mother of the life convict is suffering from fracture and other age old ailments. The petitioner is also suffering from heart disease. The petitioner is having three children and the presence of the life convict is required for making arrangement to pay their education fees as well as for the medical expenses for the petitioner and her mother in law. Accordingly, a representation dated 01..05.2024



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was sent to the respondents. Hence, the present petition.

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3. The learned Additional Public Prosecutor has produced a report from the Probation Officer, which is not in favour of the petitioner. The Probation Officer has stated in his report that the reason for which the ordinary leave sought is not genuine, as the petitioner's mother in law is not suffering from any fracture and she is having only age old ailments. There is also no proof to show that the petitioner is suffering from heart disease. The siblings of the life convict are taking care of the mother of the life convict. He has also stated that so far the petitioner has not availed any leave.

4. Even though the report of the Probation Officer dated 05.06.2024, is not in favour of the petitioner, this Court is inclined to consider the prayer sought for in this Writ Petition as the petitioner's children are school going and school and college fees for them has to be arranged by the family.

5. Accordingly, there shall be a direction to the respondents herein,



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to grant 21 days ordinary leave **“without escort”** to the life convict namely Mr.Rajarathinam, S/o.Raji, aged about 42 years, Convict Prisoner No.7630, commencing from 26.07.2024 to 15.08.2024, with a condition that the life convict shall report before the jurisdictional Police i.e. Ambattur Police Station, Chennai District, daily at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 16.08.2024 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]

19.07.2024

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Note: Issue Order Copy on 24.07.2024

Index: Yes / No
Neutral Citation



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To

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

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

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



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