



W.P.No.16762 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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Amirthavalli

... 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, Karthick, S/o.Sukumar, aged about 38 days bearing Convict No.6868 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 petition has been filed seeking a Writ of Mandamus to direct the respondents to grant ordinary leave for a period of 30 days without escort for the petitioner's husband viz., Karthick, S/o.Sukumar, aged about 30 days, bearing Convict No.6868, confined at Central Prison, Puzhal , who was convicted for the offences under Section 302 IPC (2 counts) and was sentenced to undergo life imprisonment each; under Section 449 IPC and was sentenced to undergo life imprisonment; under Section 404 and was sentenced to undergo rigorous imprisonment for 3 years and under Section 380 IPC, he was sentenced to undergo 3 years R.I. by the Additional District and Sessions Court, Kancheepuram District, Chengalpattu in S.C.No.229 of 2011 dated 19.12.2017.



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2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has undergone 10 years 2 months and 9 days of imprisonment, including the remand set off period and that he seeks for ordinary leave for the petitioner's husband to make arrangements for the livelihood of their family.

3. The Probation Officer, in his report, has stated that the reasons assigned by the petitioner for grant of leave is true and he has recommended for grant of ordinary leave to the petitioner's husband.

4. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner.

5. At this juncture, learned Additional Public Prosecutor submitted that the convict prisoner is otherwise eligible to avail 21 days of ordinary leave.



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6. Accordingly, the convict prisoner viz., Karthick, S/o.Sukumar, aged about 30 days, bearing Convict No.6868, confined at Central Prison, Puzhal , is hereby granted ordinary leave for a period of 21 days, without escort commencing from 22.07.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Karthick, S/o.Sukumar, aged about 30 days, on Ordinary Leave for a period of 21 days i.e., from 22.07.2024 to 11.08.2024.

(ii) The Convict Prisoner shall be released on 22.07.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Puzhal-I, Chennai, on 11.08.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, H8 Tiruvottiyur Police Station Chennai, daily at 05.00 pm, during the period of leave.

(iv) 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.



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7. Accordingly, the writ petition stands allowed. No Costs.

[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 Prison,
Gandhi Irwin Road, Egmore,
Chennai-600 008.

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

3.The Inspector of Police,
H8 Tiruvottiyur Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.

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