



W.P.No.16873 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM :

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

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Suriya

**.. Petitioner/
Wife of the detenue**

Versus

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 issuance of a Writ of Mandamus, directing the respondents to grant ordinary leave for 30 days without escort to the detenue, Kothandan, S/o.Rangasamy aged about 34 years bearing Convict No.9057 confined at Central Prison, Puzhal.

For Petitioner : Mrs.S.Sadhana

**For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor**



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ORDER

M.S.RAMESH, J.

and

SUNDER MOHAN, J.

The petitioner's husband is a convict prisoner, who was convicted in S.C.No.120 of 2015 on the file of the Additional Sessions Court, Kancheepuram for the offences under Sections 341 and 302 of I.P.C and was sentenced to undergo one month Simple Imprisonment under Section 341 of I.P.C and Life Imprisonment and a fine of Rs.25,000/- and in default, six months Simple Imprisonment and a fine of Rs.25,000/- under Section 302 of I.P.C. Aggrieved by the said order, the petitioner's husband filed an appeal in CrI.A.No.598 of 2022 before this Court and the same is pending. Now, on the ground that the petitioner requires the presence of her husband/convict prisoner for arranging funds for the medical treatment of his mother, as well as for arranging money for livelihood of their family, she has sought for 30 days ordinary leave for her husband. She has given a representation dated 20.05.2024 in this regard and since the same has not been considered till date, she has filed the present Writ Petition.



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2. The learned counsel for the petitioner submitted that the convict prisoner has undergone 2 years 3 months and 7 days of imprisonment.

3. The particulars produced by the learned Additional Public Prosecutor of the convict prisoner dated 08.07.2024 states that the convict prisoner is not eligible for grant of leave since he has not completed three years of imprisonment from the date of conviction as per Rule 22(1)(c) of Tamil Nadu Suspension of Sentence Rules 1982 as amended in G.O.Ms.No.205 Home (Prison-V) Department, dated 25.04.2022.

4. By taking into consideration the period of incarceration undergone by the convict prisoner, as well as the reasons assigned in the affidavit filed in support of this petition, we are inclined to grant 7 days of ordinary leave to the petitioner's husband/convict prisoner, by invoking our powers under Article 226 of the Constitution of India.

5. Accordingly, the respondents are directed to grant 7 days Ordinary Leave “*without escort*” to the petitioner's husband/convict prisoner namely Kothandan, S/o.Rangasamy, Convict No.9057, commencing from



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17.07.2024 to 23.07.2024, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. Kundrathur Police Station, Chennai District, daily at 10.30 a.m. After expiry of the ordinary leave, the convict prisoner shall surrender before the Jail Authority on 24.07.2024 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 directions, the Writ Petition stands allowed. No costs.

[M.S.R., J] [S.M., J]
11.07.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

Note :- Issue order copy on 16.07.2024.

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.



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3. The Public Prosecutor,
High Court of Madras.



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**M.S.RAMESH, J.
AND
SUNDER MOHAN, J.**

grs

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