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W.P.No.16814 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**

W.P.No.16814 of 2024

Valli

.. Petitioner

Versus

1. The Deputy Inspector General of Prison,
Prison Head Quarters,
Egmore,
Chennai - 600 008.

2. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai - 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 21 days Ordinary Leave by without escort for the petitioner's husband namely Muthukumar, S/o.Mani, aged 42 years Convict Prisoner, Central Prison, Puzhal.

For Petitioner : Mrs.S.Nadhiya

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



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ORDER

M.S.RAMESH, J.

and

SUNDER MOHAN, J.

This Writ Petition has been filed to direct the respondents to grant ordinary leave for 21 days, without escort, to the petitioner's husband / detenue viz., Muthukumar, S/o.Mani, aged about 42 years, Convict Prisoner, Central Prison, Puzhal.

2. Heard the learned counsel on either side and perused the documents.

3. On the grounds that the presence of the petitioner's husband is required to make arrangements for the petitioner's open heart surgery and to make financial arrangements for their children's education, the petitioner herein seeks for grant of ordinary leave for a period of 21 days to her husband.

4. The Probation Officer, in his report dated 28.06.2024 has confirmed that the petitioner requires open heart surgery and that the



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prisoner's presence is required to make financial arrangements for their children and has accordingly recommended for grant of leave to the detenue.

5. 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 petitioner's husband/detenue herein.

6. At this juncture, learned Additional Public Prosecutor submitted that the petitioner's husband is otherwise eligible to avail 21 days of ordinary leave.

7. Accordingly, the convict prisoner viz., Muthukumar, S/o.Mani, aged about 42 years, bearing Convict LT No.10367, confined at Central Prison, Puzhal, is hereby granted ordinary leave for a period of 10 days, without escort commencing from 17.07.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Muthukumar, S/o.Mani, aged about 42 years,



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on Ordinary Leave for a period of 10 days i.e., from 17.07.2024 to 26.07.2024.

(ii) The Convict Prisoner shall be released on 17.07.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Puzhal, Chennai, on 26.07.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, P1 Puliyanthope 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.

8. Accordingly, 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.



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To

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1. The Deputy Inspector General of Prison,
Prison Head Quarters,
Egmore, Chennai - 600 008.
2. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai - 600 066.
3. The Inspector of Police,
P1 Puliyanthope Police Station,
Chennai .
4. The Public Prosecutor,
High Court of Madras.



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

grs

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