



WEB COPY



W.P.No.17177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.17177 of 2024

Aswini

... Petitioner

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 – 600066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant ordinary leave for 30 days without escort to the detinue, Karthick S/o. Pazhani aged about 38 years bearing Convict No.6515 confined at Central Prison, Puzhal.



WEB COPY



W.P.No.17177 of 2024

For Petitioner : M/s.S.Sadhana
For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

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

On the ground that the petitioner needs her husband/convict prisoner's presence for making financial arrangements for her medical treatment, she made an application dated 27.05.2024 to the respondents for grant of 30 days ordinary leave to her husband. Since the same has not been considered till date, she has filed the present Writ Petition seeking for grant of 30 days ordinary leave to the petitioner's husband.

2.The petitioner's husband was convicted for the offences under Sections 147, 323, 342, 364 (A) r/w. 149 IPC and was sentenced to undergo life imprisonment in S.C.No.135 of 2014 by the learned V Additional Sessions Court, Chennai.



W.P.No.17177 of 2024

WEB COPY

3. The learned counsel for the petitioner submitted that the convict prisoner has been in jail for the past 11 years.

4. The learned Additional Public Prosecutor has produced the report of the Probation Officer dated 13.06.2024, which is in favour of the convict prisoner.

5. By taking into consideration the report of the Probation Officer recommending grant of leave to the convict prisoner, as well the reasons stated in the affidavit filed in support of this Writ Petition, we are inclined to grant 28 days of ordinary leave to the petitioner's husband/convict prisoner.

6. Accordingly, the petitioner's husband/convict prisoner namely Karthick, S/o.Pazhani, aged about 38 years, Ct.No.6515, shall be granted 28 days ordinary leave **“without escort”** commencing from 29.07.2024 to 25.08.2024, with a condition that he shall report before the jurisdictional Police i.e. E3 Teynampet Police Station, Chennai, daily at 10.30 am.



W.P.No.17177 of 2024

WEB COPY

After expiry of the Ordinary Leave, the convict shall surrender before the Jail Authority on 26.08.2024 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.

7. With the above direction, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

22.07.2024

Index: Yes/No

Speaking/Non-speaking order

Tsg

Note: Issue Order Copy on 26.07.2024

To

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 – 600066.



W.P.No.17177 of 2024

3. The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.17177 of 2024

M.S.RAMESH, J.
and
SUNDER MOHAN, J.

Tsg

W.P.No.17177 of 2024

22.07.2024