



W.P.No.17310 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.17310 of 2024

Selvakani

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison-1,
Puzhal, 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 respondent to grant without escort 28 days ordinary leave to the petitioner's husband namely Daniel S/o Yovan aged 62 years, Convict No.2433, Convict Prisoner, Central Prison, Puzhal.



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

ORDER

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

On the ground that the petitioner's husband's presence is required for making the livelihood arrangements of their family, her representation dated 24.01.2024 came to be considered by the Jail Authorities and vide proceedings No.411/CA1/2024 dated 31.05.2024, 28 days of ordinary leave was granted to the petitioner's husband by the Deputy Inspector General of Prisons and Correctional Services, Chennai Range with police escort. Aggrieved against the condition of Police escort, the present Writ Petition has been filed.

2.When we had called upon the learned Additional Public Prosecutor to ascertain as to why police escort was ordered, it was his submission that whenever ordinary leave is granted by the jail authorities



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for the first time, it is the routine practice that police escort is ordered.

The learned Additional Public Prosecutor had also produced the Probation Officer's report, in which he has favourably recommended for the release of the convict prisoner on ordinary leave and further, has also stated that the release of the convict prisoner will not affect the law and order situation in the locality and that the general public have also not raised any objection.

3.If that be so, the requirement of police escort may not be necessary. On the other hand, the convict prisoner can be directed to report before the concerned jurisdictional police daily and thereby, the apprehension of the jail authorities can be met. Accordingly, the condition imposed by the Deputy Inspector General of Prisons and Correctional Services, Chennai Range is modified as follows;

“The convict prisoner viz., Daniel S/o.Yovan, aged about 62 years shall be granted 28 days of ordinary leave, without escort and be directed to appear daily before the Inspector of Police of the jurisdictional Police Station”.



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4.The Deputy Inspector General of Prisons and Correctional Services, Chennai Range shall pass appropriate orders providing ordinary leave to the petitioner's husband/convict prisoner on or before 22.07.2024 in terms of the above order.

5.Accordingly, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

18.07.2024

Speaking/Non-speaking order

Index: Yes/No

Tsg

Note: Issue Order Copy on 19.07.2024



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To

1.The Deputy Inspector General of Prisons,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison-1,
Puzhal, Chennai – 600 066.

3.The Public Prosecutor,
High Court, Madras.



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