



W.P.No.17723 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.17723 of 2024

Mary

... Petitioner/wife of the detenue

Vs.

The State represented by its,
1.The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal-600 066.

2.The Superintendent,
Puzhal Central Prison,
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 one month without escort to the detenue, Rajkumar, S/o.Elumalai, aged about 45 years, convict prisoner, bearing Convict No.3570 confined at Central Prison, Puzhal.



W.P.No.17723 of 2024

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For Petitioner : Mr.P.Bakiyaraj
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 one month without escort for the petitioner's husband viz., Rajkumar, S/o.Elumalai, aged about 45 years, convict prisoner, bearing Convict No.3570, confined at Central Prison, Puzhal, who was convicted for the offences under Section 364 IPC and was sentenced to undergo rigorous imprisonment for 10 years; under Section 302 IPC and was sentenced to imprisonment for life by the Principal District and Sessions Court, Thiruvallur in S.C.No.110 of 2009 dated 11.08.2010. Challenging the order of conviction, the petitioner has preferred an appeal in Crl.A.No.509 of 2011, and this Court vide order dated 23.11.2012 has confirmed the conviction and sentence of the



W.P.No.17723 of 2024

convict prisoner.

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2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has undergone 14 years 00 months and 01 day of imprisonment, including the remand set off period and that the petitioner seeks for ordinary leave for her husband to arrange funds to perform final rituals for her mother-in-law who had passed away a month ago and 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 petitioner herein.



W.P.No.17723 of 2024

WEB COPY

5. At this juncture, learned Additional Public Prosecutor submitted that the convict prisoner is otherwise eligible to avail 28 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Rajkumar, S/o.Elumalai, aged about 45 years, convict prisoner, bearing Convict No.3570, confined at Central Prison, Puzhal, is hereby granted ordinary leave for a period of 28 days, without escort commencing from 24.07.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Rajkumar, S/o.Elumalai, aged about 45 years, on Ordinary Leave for a period of 28 days i.e., from 24.07.2024 to 20.08.2024.

(ii) The Convict Prisoner shall be released on 24.07.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Puzhal, Chennai, on 20.08.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, T1 Ambattur Police



W.P.No.17723 of 2024

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.

7. 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

Anu

Note: Issue Order Copy on 23.07.2024

To

1.The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal-600 066.

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



W.P.No.17723 of 2024

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.17723 of 2024

M.S.RAMESH, J.
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W.P.No.17723 of 2024

18.07.2024