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W.P.No.17498 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.17498 of 2024

Blessita

... Petitioner

Vs.

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

2.The Superintendent of Prisons
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 respondents to grant 21 days ordinary leave by without escort for the petitioner's husband namely Thyagarajan, S/o.Murugesan aged 44 years, Convict Prisoner, Central Prison-1, Puzhal.

For Petitioner : Ms.S.Nadhiya

For Respondents : Mr.A.Gokulakrishnan



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Additional Public Prosecutor
ORDER

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

This Writ Petition has been filed seeking for a direction, to direct the respondents to grant 21 days ordinary leave by without escort for the petitioner's husband namely Thyagarajan, S/o.Murugesan aged 44 years, Convict Prisoner, Central Prison-1, Puzhal.

2. It is submitted by the learned counsel for the petitioner that the petitioner, who is the wife of the life convict is a differently abled person. Since she is not in a position to go for any work to look after the family and her children, they have mortgaged their house and obtained loan. The mortgaged property stands in the name of her husband and hence they have decided to sell their property to settle the loan, for which the presence of her husband is very much required. It is also submitted that the petitioner is having two minor children, who are feeling sick on knowing the fact that their father's leave application was rejected. Hence,



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a representation dated 10.06.2024 was given to the respondents and the same was rejected. Hence the present writ petition.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that as per Rule No.35 of Tamil Nadu Suspension of Sentence Rule, 1982, the prisoner is not eligible for ordinary leave as the said prisoner has case pending trial against him. He has also produced a report from the Probation Officer, which is in favour of the petitioner. The Probation Officer has also stated in his report that the presence of the prisoner is important as his son is affected psychologically and the reasons assigned in the leave application are genuine.

4. Since the report of the Probation Officer is in favour of the petitioner, we are inclined to invoke the powers of this Court under Article 226 of the Constitution of India, for the purpose of directing the respondents to release the petitioner on ordinary leave without escort for a period of 21 days.



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5. Accordingly, there shall be a direction to the respondents herein, to grant 21 days ordinary leave ***“without escort”*** to the life convict namely Mr.Thyagarajan, S/o.Murugesan, aged about 44 years, Convict Prisoner No.8434, commencing from 30.07.2024 to 20.08.2024, with a condition that the life convict shall report before the jurisdictional Police i.e. Kottar Police Station, Nagarcoil District, daily at 10.30 a.m. as well as to appear before the trial Court in connection with S.C.No.138 of 2014 and S.C.No.382 of 2023, on the hearing dates. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 21.08.2024 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.

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

[M.S.R., J]

[S.M., J]

23.07.2024

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Note: Issue order copy on 29.07.2024

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To

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

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

3.The Public Prosecutor
High Court of Madras
Chennai 600 104



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

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