



WEB COPY



W.P.No.17709 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.17709 of 2024

Sridhar

... Petitioner/the detenue

Vs.

1.The State rep. by its
The Home Secretary (Prison Department),
St. George Fort, Chennai-009.

2.The Deputy Inspector General of Range,
Coimbatore Range, Gandhipuram,
Coimbatore-641 018.

3.The Superintendent of Prison,
Central Prison at Salem,
Hasthampatty, Salem-07.

... 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 28 days ordinary leave without escort to the petitioner namely Mr.Sridhar, S/o.Palanisamy by considering the petitioner's mother representation dated 27.03.2024.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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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 28 days without escort for the petitioner viz., Sridhar, S/o. Palanisamy, aged about 34 years, confined at Central Prison, Salem, who was convicted for the offences under Section 302 r/w 109 IPC and was sentenced to undergo imprisonment for life; under Section 364 r/w 120B IPC and was sentenced to undergo rigorous imprisonment for 10 years; under Section 201 r/w 302 IPC and was sentenced to undergo rigorous imprisonment for 2 years; under Section 147 IPC and was sentenced to undergo 1 year of rigorous imprisonment and under Section 120 B IPC, he was sentenced to undergo 6 months of rigorous imprisonment by the learned II Additional Sessions Judge, Salem in S.C.No.179 of 2012. Challenging the order of conviction, the petitioner has preferred an appeal in CrI.A.No.516 of 2013, and this Court vide order dated 17.06.2016 dismissed the same and confirmed the conviction and sentence.

2. The learned counsel for the petitioner submitted that the petitioner/convict prisoner has undergone 07 years 00 months and 07



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days of imprisonment, including the remand set off period and that the petitioner seeks for ordinary leave to arrange funds for the medical expenses for his father who is suffering from myocardial infarction and he was advised by the doctors to take immediate treatment and that to make arrangements for the livelihood of their family.

3. The Probation Officer, in his report dated 16.07.2024, has not recommended for grant of leave as the petitioner did not provide any medical evidence that his father is taking treatment.

4. The learned Additional Public Prosecutor submitted that the prisoner is otherwise eligible for 28 days of ordinary leave.

5. Although the probation officer did not recommend granting leave, considering the medical ground specifically, that the petitioner's father is taking treatment for his ailment and that the petitioner's presence is required for arranging funds for his medical expenses, we are inclined to grant ordinary leave for a period of 28 days in exercise of our powers under Article 226 of the Constitution of India.



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6. Accordingly, the detainee viz., Sridhar, S/o.Palanisamy, aged about 34 years, confined at Central Prison, Salem, is hereby granted ordinary leave for a period of 28 days, without escort, commencing from 10.00 am on 24.07.2024 to 5 pm of 20.08.2024. On expiry of the ordinary leave, the detenu shall surrender before the prison authorities. During the period of leave, the petitioner shall report before the Inspector of Police, Annathanapatti Police Station, Salem daily at 05.00 p.m. 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

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

Note: Issue Order Copy on 23.07.2024.

To

1.The Home Secretary (Prison Department),
St. George Fort, Chennai-009.

2.The Deputy Inspector General of Range,



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Coimbatore Range, Gandhipuram,
Coimbatore-641 018.

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3.The Superintendent of Prison,
Central Prison at Salem,
Hasthampatty, Salem-07.

4.The Inspector of Police,
Annathanapatti Police Station,
Salem.

5.The Public Prosecutor,
High Court, Madras.



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