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W.P.No.17692 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.17692 of 2024

Ramasamy

... Petitioner

Vs.

1.The State represented by its
The Deputy Inspector General of Prison,
Office of Deputy Inspector General of Prison,
Vellore Range, Ramset Nagar, Thorapadi,
Vellore – 2.

2.The Superintendent of Prison,
Central Prison at Vellore,
Ramset Nagar, Thorapadi, Vellore – 2.

... 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 to the petitioner/convict prisoner namely Mr.Ramasamy, S/o.Late Ellappan for a period of 40 days without escort in pursuance of the petitioner's brother's representation dated 05.06.2024.



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For Petitioner : Mr.M.Mohamed Saifulla
For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

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

The petitioner is a life convict, who was convicted for the offence under Section 302 IPC (2 counts) and was sentenced to undergo life imprisonment along with a fine of Rs.1,000/- in default to undergo 1 year rigorous imprisonment in S.C.No.166 of 2008 by the learned Additional Sessions Judge, Krishnagiri District on 19.03.2010. On the ground that the petitioner's family requires the presence of him for making arrangements of livelihood, as well as to meet the girl searched by his parents for marriage, he has sought for 40 days ordinary leave. The petitioner's brother has also given a representation dated 05.06.2024 in this regard and since the same has not been considered till date, the petitioner has filed the present Writ Petition.



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2. The learned counsel for the petitioner submitted that the petitioner/life convict has undergone more than 14 years of imprisonment.

3. Though the proforma produced by the learned Additional Public Prosecutor dated 08.07.2024 of the petitioner/life convict, states that since the appeal of the life convict is pending before the Hon'ble Supreme Court, he is not eligible for grant of leave, a report of the Probation Officer dated 15.07.2024 states that the reason assigned by the petitioner seeking leave, is genuine and hence, he has recommended for grant of leave.

4. By taking into consideration the report of the Probation Officer, recommending for grant of leave, as well as the reason assigned in the affidavit filed in support of this petition, we are inclined to grant 10 days of ordinary leave to the petitioner/life convict.

5. Accordingly, the respondents are directed to grant 10 days Ordinary Leave **“without escort”** to the petitioner/life convict namely Ramasamy, S/o.Late Ellappan, commencing from 01.08.2024 to 10.08.2024, with a condition that the life convict shall report before the



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jurisdictional Police i.e. Guruparapalli Police Station, Krishnagir District, daily at 10.30 A.M. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 11.08.2024 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 directions, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

26.07.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No

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Note: Issue Order Copy on 31.07.2024.



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To
1.The Deputy Inspector General of Prison,
Office of Deputy Inspector General of Prison,
Vellore Range, Ramset Nagar, Thorapadi,
Vellore – 2.

2.The Superintendent of Prison,
Central Prison at Vellore,
Ramset Nagar, Thorapadi, Vellore – 2.

3.The Public Prosecutor,
High Court, Madras.



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