



W.P.No.18333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Ramkumar

... Petitioner

Vs.

The State represented by its,

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 002.

3.The Superintendent,
Cuddalore Central Prison,
Cuddalore – 607 004.

... 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 for 30 days without escort to petitioner brother,



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the detainee, Vijayakumar, S/o.Rajasekar, aged about 30 years, Convict No.16905, detained at Central Prison, Cuddalore.

For Petitioner : M/s.K.Akshaya
For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

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

To the petitioner's request for grant of ordinary leave to him, the Probation Officer, through his report dated 19.07.2024, has favourably recommended for grant of leave with escort.

2. Heard the learned counsel for the petitioner, as well as for the learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner requires the convict prisoner's presence to make financial



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arrangements to clear the debts which he had borrowed for the convict prisoner's case and further to file a SLP before the Hon'ble Supreme Court. However, if the petitioner is granted leave with escort, serious prejudice would be caused owing to the presence of the escort at his residence.

4. It is seen that no reason has been assigned by the Probation Officer in his report dated 19.07.2024, as to why escort is necessary for grant of leave. Further, the Probation Officer's report also suggests that the reasons assigned by the petitioner for grant of ordinary leave is also genuine.

5. In view of the favourable report of the Probation Officer and in the absence of any reasons for grant of any escort, we are inclined to modify the recommendation of the Probation Officer dated 19.07.2024 insofar as the requirement of escort is concerned.



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6. Accordingly, there shall be a direction to the respondents herein, to grant 21 days ordinary leave to the convict prisoner namely Vijayakumar S/o Rajasekar, aged about 30 years, ***“without escort”*** commencing from 29.07.2024 to 18.08.2024, with a further condition that he shall report before the jurisdictional Police i.e. Panruti Police Station, Cuddalore District, daily at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 19.08.2024 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.

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

[M.S.R., J]

[S.M., J]

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Index: Yes/No

Speaking/Non-speaking order

Tsg

Note: Issue Order Copy on 26.07.2024.



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To

1.The Secretary to Government of Tamil Nadu,
Department of Home,
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Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 002.

3.The Superintendent,
Cuddalore Central Prison,
Cuddalore – 607 004.

4.The Public Prosecutor,
High Court, Madras.



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