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W.P.No.18633 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.18633 of 2024

Chithra

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Egmore, Chennai.

2.The Superintendent of Prison,
Central Prison,
Salem.

... 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 28 days ordinary leave without escort for the petitioner's son namely Nirmal Kumar, S/o.Nandhagopal, aged about 37 years, Convict No.8669, Convict Prisoner, Central Prison, Salem.

For Petitioner : Mrs.S.Nadhiya

For Respondents : Mr.A.Gokulakrishnan,



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Additional Public Prosecutor

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ORDER

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

The petitioner's son is a life convict, who was convicted for the offence under Sections 302, 201 r/w.302 & 392 of IPC and was sentenced to undergo life imprisonment in S.C.No.42 of 2013 by the Additional Sessions Court, Salem on 21.01.2016. Now, on the ground that the petitioner requires the presence of her son/life convict for making livelihood arrangements and for repairing the damaged house, she has sought for 28 days ordinary leave for her son. She has given a representation dated 17.06.2024 in this regard and since the leave was not granted to her son, she has filed the present Writ Petition.

2. The learned counsel for the petitioner submitted that the life convict has undergone nearly 9 years of imprisonment.

3. Though the particulars produced by the learned Additional



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Public Prosecutor of the life convict dated 23.07.2024 states that the life convict is eligible for grant of leave, a report of the Probation Officer dated 20.07.2024, states that the reason assigned by the petitioner seeking leave for her son is not genuine and hence, he has not recommended for grant of leave.

4. By taking into consideration the period of incarceration undergone by the life convict, we are inclined to grant 28 days of ordinary leave to the petitioner's son/life convict, by invoking our powers under Article 226 of the Constitution of India.

5. Accordingly, the respondents are directed to grant 28 days Ordinary Leave ***“without escort”*** to the petitioner's son/life convict namely Nirmal Kumar, S/o.Nandhagopal, Convict No.8669, commencing from 12.08.2024 to 08.09.2024, with a condition that the life convict shall report before the jurisdictional Police i.e. Kannangurichi Police Station, Salem, twice a week on Tuesdays and Fridays at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before



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the Jail Authority on 09.09.2024 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]

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

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Note: Issue Order Copy on 09.08.2024.



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To

1.The Deputy Inspector General of Prisons,
Egmore, Chennai.

2.The Superintendent of Prison,
Central Prison,
Salem.

3.The Inspector of Police,
Kannangurichi Police Station,
Salem.

4.The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.

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