



W.P.No.18552 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

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Sendhamarai

... Petitioner/wife of the detenue

Vs.

The State represented by its,

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

2.The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal-600 066.

3.The Superintendent,
Puzhal Central Prison,
Puzhal-600 066.

... 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 ordinary leave for 1 month without escort to the detanue, Selvam, S/o.Kumarasamy, aged about 58 years, bearing confined at Central Prison, Puzhal.



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For Petitioner : Mr.M.Ezhilarasu
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

The petitioner's husband is a convict prisoner, who was convicted for the offence under Section 120(B) r/w 392 IPC and was sentenced to undergo 7 years RI; under Section 449 IPC, he was sentenced to undergo 7 years RI; under Section 302 IPC, he was sentenced to undergo 7 years RI and under Section 302 IPC, he was sentenced to undergo imprisonment for life and fine of Rs.5,000/- i/d rigorous imprisonment for 3 years in S.C.No.55 of 2010 by the District Sessions Court No.II, Kancheepuram on 15.04.2014. Now, on the ground that the petitioner requires the presence of her husband/convict prisoner for arranging funds for her medical treatment, she has sought for 1 month ordinary leave for her husband. She has given a representation dated 13.05.2024 in this regard and since the same has not been considered till date, she has filed the present Writ Petition.



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2.The Probation Officer, in his report dated 21.06.2024, has not recommended for grant of leave for the petitioner's husband.

3. Though the Probation Officer has not recommended the case of the petitioner for grant of leave, the learned counsel for the petitioner submitted that the prisoner's wife is a chronic diabetic and also suffers from nerve disorder owing to an accident that had happened about 3 years back. In consideration of such a request made, we are inclined to grant leave to the prisoner by restricting it to 15 days, without escort, in exercise of our powers under Article 226 of the Constitution of India.

4. Accordingly, the detenue viz., Selvam, S/o.Kumarasamy, aged about 58 years, bearing confined at Central Prison, Puzhal, is hereby granted ordinary leave for a period of 15 days, without escort, commencing from 10.00 am on 30.07.2024 to 5 pm of 13.08.2024. 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, Maruvathur Police Station, Perambalur daily at



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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.

5. Accordingly, the Writ Petition stands allowed. No costs.

[M.S.R., J] [S.M., J]

23.07.2024

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

Anu

Note: Issue Order Copy on 29.07.2024.

To

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

2.The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal-600 066.

3.The Superintendent,
Puzhal Central Prison,
Puzhal-600 066.



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4.The Inspector of Police,
Maruvathur Police Station,
Perambalur.

5.The Public Prosecutor,
High Court, Madras.



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

Anu

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