



W.P.No.18997 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.18997 of 2024

Thimmakkal

... Petitioner

Vs.

The State rep. 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,
Vellore Range,
Vellore – 632 001.

3.The Superintendent,
Central Prison Vellore,
Vellore – 632 001.

... 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 the detenu namely



W.P.No.18997 of 2024

Thimmappan, S/o.Rengappan, aged about 49 years, confined at Central Prison, Vellore.

For Petitioner : Mr.P.Bakiyaraj

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 offences under Section 450 of IPC and was sentenced to undergo 5 years imprisonment; under Section 506(1) of IPC, he was sentenced to undergo 1 year imprisonment and under Section 5(1) & 6(1), he was sentenced to undergo 20 years of imprisonment and a fine of Rs.20,000/- in S.C.No.67 of 2020 by the learned Fast Track Mahila Court, Dharmapuri District on 29.08.2022. Now, on the ground that the petitioner requires the presence of her husband/convict prisoner for making livelihood arrangements and educational expenses of their children, she has sought for one month leave for her husband. She has given a representation dated 07.06.2024 in this regard and since the same has not been considered till date, the present Writ Petition has been filed.

2. The learned counsel for the petitioner submitted that the convict



W.P.No.18997 of 2024

prisoner has undergone more than 3 years of imprisonment.

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3. A report of the Probation Officer dated 31.07.2024 produced by the Additional Public Prosecutor, states that the reasons assigned by the petitioner are genuine and hence, he is recommending for grant of leave to the convict prisoner.

4. By taking into consideration the report of the Probation Officer, recommending to grant leave to the convict prisoner, as well as the fact that the convict prisoner has not taken any leave so far, we are inclined to grant 21 days of ordinary leave to the convict prisoner.

5. Accordingly, the respondents are directed to grant 21 days Ordinary Leave *“without escort”* to the convict prisoner namely Thimmappan, S/o.Rengappan, aged about 49 years, Convict No.4141, commencing from 12.08.2024 to 01.09.2024, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. Mahendramangalam Police Station, Dharmapuri District, daily at 10.30



W.P.No.18997 of 2024

A.M. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 02.09.2024 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]

02.08.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

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Note: Issue Order Copy on 09.08.2024.



W.P.No.18997 of 2024

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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,
Vellore Range,
Vellore – 632 001.

3.The Superintendent,
Central Prison Vellore,
Vellore – 632 001.

4.The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.

5.The Public Prosecutor,
High Court, Madras.



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W.P.No.18997 of 2024

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

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W.P.No.18997 of 2024

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