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W.P.No.18920 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.18920 of 2024

Mohan

... Petitioner

Vs.

1.The State rep. 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 28 days ordinary leave without escort to the petitioner namely Mohan, S/o.Govindasamy, who is confining in 2nd respondent, in pursuance of the petitioner's wife representation dated 22.06.2024.

For Petitioner

: Mr.M.Mohamed Saifulla



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For Respondents

: Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.

AND

SUNDER MOHAN, J.

The petitioner is a convict prisoner, who was convicted for the offences under Sections 376(2)(f), 376(2)(n), 417 & 506(ii) of IPC and was sentenced to undergo 10 years rigorous imprisonment under Section 376(2)(n) of IPC; 1 year of rigorous imprisonment under Section 417 of IPC and 1 year of rigorous imprisonment under Section 506(ii) of IPC in S.C.No.114 of 2016 by the learned Fast Track Mahila Court (Sessions Judge), Vellore District on 03.10.2018. Now, on the ground that the petitioner's family requires his presence to make livelihood arrangements, as well as the arrangement of educational expenses of his children, he has sought for 28 days ordinary leave for himself. The petitioner's wife has given a representation dated 22.06.2024 in this regard and since the same has not been considered till date, the petitioner has filed the present Writ Petition.

2. The learned counsel for the petitioner submitted that the



petitioner/convict prisoner has undergone nearly 6 years of imprisonment.

3. The particulars produced by the learned Additional Public Prosecutor of the petitioner/convict prisoner dated 10.07.2024 states that the convict prisoner is eligible for grant of leave. Further, a report of the Probation Officer dated 23.07.2024, states that the reasons assigned by the petitioner's wife in her representation are genuine and hence, he is recommending for grant of leave.

4. By taking into consideration the report of the Probation Officer, recommending to grant leave to the petitioner, as well as the reasons assigned in the affidavit filed in support of this petition, we are inclined to grant 28 days of ordinary leave to the petitioner/convict prisoner.

5. Accordingly, the respondents are directed to grant 28 days Ordinary Leave ***“without escort”*** to the petitioner/convict prisoner namely Mohan, S/o.Govindasamy, commencing from 12.08.2024 to 08.09.2024, with a condition that the convict prisoner shall report before



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the jurisdictional Police i.e. Paradarami Police Station, Vellore District, daily at 10.30 A.M. After expiry of the Ordinary Leave, the convict prisoner shall surrender before 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]

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.



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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 Inspector of Police,
Paradarami Police Station,
Vellore District.
- 4.The Public Prosecutor,
High Court, Madras.



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

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